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# ORGANIC ACTS FOR HAWAII AND PORTO RICO

With Amendments Thereto

AND AN APPENDIX CONTAIN-  
ING GENERAL LEGISLATION  
AFFECTING HAWAII, PORTO  
RICO, GUAM, AND TUTUILA

523  
89

BEGINNING WITH 56TH CONGRESS, 1ST SESSION  
ENDING WITH 59TH CONGRESS, 2D SESSION

Compiled and indexed for the use of the Senate  
Committee on Pacific Islands and Porto  
Rico by C. E. ALDEN, Clerk

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EXPLANATION.

Order of arrangement:

Organic acts for Hawaii.

Porto Rico.

Appendix—Hawaii.

Porto Rico.

Guam.

Tutuila.

Brackets inclose original language of respective laws.

Italics indicate new matter added by subsequent legislation.

For full text of all acts affecting Hawaii, Porto Rico, Guam, and Tutuila (excepting those relating exclusively to appropriations made to carry out existing law), see Appendix. This does not include the immigration act of June 29, 1906, section 30 of which, affecting citizens of Porto Rico, will be found quoted in connection with section 7 of the organic act for that island.



# H A W A I I.

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## [PUBLIC RESOLUTION—No. 51.]

JOINT RESOLUTION To provide for annexing the Hawaiian Islands to the United States.

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall

be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed four million dollars. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided said Government shall continue to pay the interest on said debt.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation, concerning the Hawaiian Islands as they shall deem necessary or proper.

SEC. 2. That the commissioners hereinbefore provided for shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. That the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

Approved, July 7, 1898.



## [PUBLIC—No. 82.]

AN ACT To provide a government for the Territory of Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Hawaii.  
Provisions  
for government  
of.

## CHAPTER I.—GENERAL PROVISIONS.

General pro-  
visions.

## DEFINITIONS.

Definitions.

SEC. 1. That the phrase “the laws of Hawaii,” as used in this Act without qualifying words, shall mean the constitution and laws of the Republic of Hawaii, in force on the twelfth day of August, eighteen hundred and ninety-eight, at the time of the transfer of the sovereignty of the Hawaiian Islands to the United States of America.

—“laws of Ha-  
wail.”

The constitution and statute laws of the Republic of Hawaii then in force, set forth in a compilation made by Sidney M. Ballou under the authority of the legislature, and published in two volumes entitled “Civil Laws” and “Penal Laws,” respectively, and in the Session Laws of the Legislature for the session of eighteen hundred and ninety-eight, are referred to in this Act as “Civil Laws,” “Penal Laws,” and “Session Laws.”

“Civil laws,”  
etc.

## TERRITORY OF HAWAII.

SEC. 2. That the islands acquired by the United States of America under an Act of Congress entitled “Joint resolution to provide for annexing the Hawaiian Islands to the United States,” approved July seventh, eighteen hundred and ninety-eight, shall be known as the Territory of Hawaii.

Name of an-  
nexed territory.  
Vol. 30, p. 750.

## GOVERNMENT OF THE TERRITORY OF HAWAII.

SEC. 3. That a Territorial government is hereby established over the said Territory, with its capital at Honolulu, on the island of Oahu.

Government.

## CITIZENSHIP.

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

Citizenship.

And all citizens of the United States resident in the Hawaiian Islands who were resident there on or since August twelfth, eighteen hundred and ninety-eight, and all the citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

## APPLICATION OF THE LAWS OF THE UNITED STATES.

Application  
of Federal laws.

SEC. 5. That the Constitution, and, except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections eighteen hundred and fifty and eighteen hundred and ninety of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

*Proviso.*

Submission of  
Territorial laws  
to Congress.

Limitation on  
right of religious  
corporations to hold real estate.

R. S., secs. 1850-1890, pp. 327-333.

## LAWS OF HAWAII.

Existing laws  
continued in  
force.

SEC. 6. That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this Act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Existing laws  
repealed.

SEC. 7. That the constitution of the Republic of Hawaii and the laws of Hawaii, as set forth in the following acts, chapters, and sections of the civil laws, penal laws, and session laws, and relating to the following subjects, are hereby repealed:

—civil laws.

CIVIL LAWS: Sections two and three, Promulgation of laws; chapter five, Flag and seal; sections thirty to thirty-three, inclusive, Tenders for supplies; chapter seven, Minister of foreign affairs; chapter eight, Diplomatic and consular agents; sections one hundred and thirty-four and one hundred and thirty-five, National museum; chapter twelve, Education of Hawaiian youths abroad; sections one hundred and fifty to one hundred and fifty-six, inclusive, Aid to board of education; chapter fourteen, Minister of the interior; sections one hundred and sixty-six to one hundred and sixty-eight, inclusive, one hundred and seventy-four and one hundred and seventy-five, Government lands; section one hundred and ninety, Board of commissioners of public lands; section four hundred and twenty-four, Bureau of agriculture and forestry; chapter thirty-one, Agriculture and manufactures; chapter thirty-two, Ramie; chapter thirty-three, Taro flour; chapter thirty-four, Development of resources; chapter thirty-five, Agriculture; section four hundred and seventy-seven, Brands; chapter thirty-seven, Patents; chapter thirty-eight, Copyrights; sections five hundred and fifty-six and five hundred and fifty-seven, Railroad subsidy; chapter forty-seven, Pacific cable; chapter forty-eight, Hospitals; chapter fifty-one, Coins and currency; chapter fifty-four, Consolidation of public debt; chapter fifty-six, Post-office; chapter fifty-seven, exemptions from postage; chapter fifty-eight, Postal savings banks; chapter sixty-five, Import duties; chapter sixty-six, Imports; chapter sixty-seven, Ports of entry and collection districts; chapter sixty-



eight, Collectors; chapter sixty-nine, Registry of vessels; section one thousand and eleven, Custom-house charges; section eleven hundred and two, Elections; section eleven hundred and thirty-two, Appointment of magistrate; last clause of first subdivision and fifth subdivision of section eleven hundred and forty-four, first subdivision of section eleven hundred and forty-five, Jurisdiction; sections eleven hundred and seventy-three to eleven hundred and seventy-eight, inclusive, Translation of decisions; section eleven hundred and eighty-eight, Clerks of court; sections thirteen hundred and twenty-nine, thirteen hundred and thirty-one, thirteen hundred and thirty-two, thirteen hundred and forty-seven to thirteen hundred and fifty-four, inclusive, Juries; sections fifteen hundred and nine to fifteen hundred and fourteen, inclusive, Maritime matters; chapter one hundred and two, Naturalization; section sixteen hundred and seventy-eight, Habeas corpus; chapter one hundred and eight, Arrest of debtors; subdivisions six, seven, ten, twelve to fourteen of section seventeen hundred and thirty-six, Garnishment; sections seventeen hundred and fifty-five to seventeen hundred and fifty-eight, inclusive, Liens on vessels; chapter one hundred and sixteen, Bankruptcy, and sections eighteen hundred and twenty-eight to eighteen hundred and thirty-two, inclusive, Water rights.

PENAL LAWS: Chapter six, Treason; section sixty-five to sixty-seven, inclusive, Foot binding; chapter seventeen, Violation of postal laws; section three hundred and fourteen, Blasphemy; sections three hundred and seventy-one to three hundred and seventy-two, inclusive, Vagrants; sections four hundred and eleven to four hundred and thirteen, inclusive, Manufacture of liquors; chapter forty-three, Offenses on the high seas and other waters; sections five hundred and ninety-five and six hundred and two to six hundred and five, inclusive, Jurisdiction; section six hundred and twenty-three, Procedure; sections seven hundred and seven hundred and one, Imports; section seven hundred and fifteen, Auction license; section seven hundred and forty-five, Commercial travelers; sections seven hundred and forty-eight to seven hundred and fifty-five, inclusive, Firearms; sections seven hundred and ninety-six to eight hundred and nine, inclusive, Coasting trade; sections eight hundred and eleven and eight hundred and twelve, Peddling foreign goods; sections eight hundred and thirteen to eight hundred and fifteen, inclusive, Importation of live stock; section eight hundred and nineteen, Imports; sections eight hundred and eighty-six to nine hundred and six, inclusive, Quarantine; section eleven hundred and thirty-seven, Consuls and consular agents; chapter sixty-seven, Whale ships; sections eleven hundred and forty-five to eleven hundred and seventy-nine, inclusive, and twelve hundred and four to twelve hundred and nine, inclusive,

—penal laws  
repealed.

Arrival, entry, and departure of vessels; chapters sixty-nine to seventy-six, inclusive, Navigation and other matters within the exclusive jurisdiction of the United States; sections thirteen hundred and forty-seven and thirteen hundred and forty-eight, Fraudulent exportation; chapter seventy-eight, Masters and servants; chapter ninety-three, Immigration; sections sixteen hundred and one, sixteen hundred and eight, and sixteen hundred and twelve, Agriculture and forestry; chapter ninety-six, Seditious offenses; and chapter ninety-nine, Sailing regulations.

—session laws repealed.

SESSION LAWS: Act fifteen, Elections; Act twenty-six, Duties; Act twenty-seven, Exemptions from duties; Act thirty-two, Registry of vessels; section four of Act thirty-eight, Importation of live stock; Act forty-eight, Pacific cable; Act sixty-five, Consolidation of public debt; Act sixty-six, Ports of entry; and Act sixty-eight, Chinese immigration.

#### CERTAIN OFFICES ABOLISHED.

Certain offices abolished.

SEC. 8. That the offices of President, minister of foreign affairs, minister of the interior, minister of finance, minister of public instruction, auditor-general, deputy auditor-general, surveyor-general, marshal, and deputy marshal of the Republic of Hawaii are hereby abolished.

#### AMENDMENT OF OFFICIAL TITLES.

Amendment of official titles.

SEC. 9. That whenever the words "President of the Republic of Hawaii," or "Republic of Hawaii," or "Government of the Republic of Hawaii," or their equivalents, occur in the laws of Hawaii not repealed by this Act, they are hereby amended to read "Governor of the Territory of Hawaii," or "Territory of Hawaii," or "Government of the Territory of Hawaii," or their equivalents, as the context requires.

Construction of existing statutes.

#### CONSTRUCTION OF EXISTING STATUTES.

Existing obligations, etc., unaffected.

SEC. 10. That all rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this Act shall continue to be as effectual as if this Act had not been passed; and those in favor of or against the Republic of Hawaii, and not assumed by or transferred to the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which by statute then in force were punishable as offenses against the Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such statute is inconsistent with this Act, or shall be repealed or changed by law. No person shall be subject to imprisonment for nonpayment of taxes nor for debt. All criminal and penal proceedings then pending in the courts of the Re-

—existing offenses.

—criminal, etc., proceedings.



public of Hawaii shall be prosecuted to final judgment and execution in the name of the Territory of Hawaii; all such proceedings, all actions of law, suits in equity, and other proceedings then pending in the courts of the Republic of Hawaii shall be carried on to final judgment and execution in the corresponding courts of the Territory of Hawaii; and all process issued and sentences imposed before this Act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii:

*Provided*, That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach: *Provided further*, That the provisions of this section shall not modify or change the laws of the United States applicable to merchant seamen.

*Provisos.*  
Contracts for  
labor, etc.

Merchant sea-  
men.

That all contracts made since August twelfth, eighteen hundred and ninety-eight, by which persons are held for service for a definite term, are hereby declared null and void and terminated, and no law shall be passed to enforce said contracts in any way; and it shall be the duty of the United States marshal to at once notify such persons so held of the termination of their contracts.

Contracts for  
a definite term  
of service void,  
etc.

That the Act approved February twenty-sixth, eighteen hundred and eighty-five, "To prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," and the Acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to and made applicable to the Territory of Hawaii.

Contract labor  
laws made appli-  
cable.  
Vol. 23, p. 332.

## STYLE OF PROCESS.

SEC. 11. That the style of all process in the Territorial courts shall hereafter run in the name of "The Territory of Hawaii," and all prosecutions shall be carried on in the name and by the authority of the Territory of Hawaii.

Style of proc-  
ess.

## CHAPTER II.—THE LEGISLATURE.

The legislature.

### THE LEGISLATIVE POWER.

SEC. 12. That the legislature of the Territory of Hawaii shall consist of two houses, styled, respectively, the senate and house of representatives, which shall organize and sit separately, except as otherwise herein provided.

—to consist of  
two houses.

The two houses shall be styled "The legislature of the Territory of Hawaii."

—style.

SEC. 13. That no person shall sit as a senator or representative in the legislature unless elected under and in conformity with this Act.

—qualifications  
of members.

## GENERAL ELECTIONS.

General elec-  
tions.

*Proviso.*  
Special elec-  
tions.

SEC. 14. That a general election shall be held on the Tuesday next after the first Monday in November, nineteen hundred, and every second year thereafter: *Provided, however,* That the governor may, in his discretion, on thirty days' notice, order a special election before the first general election, if, in his opinion, the public interests shall require a special session of the legislature.

## EACH HOUSE JUDGE OF QUALIFICATIONS OF MEMBERS.

Each house  
judge of qualifi-  
cations of mem-  
bers.

SEC. 15. That each house shall be the judge of the elections, returns, and qualifications of its own members.

## DISQUALIFICATIONS OF LEGISLATORS.

Disqualifi-  
cations of legisla-  
tors.

SEC. 16. That no member of the legislature shall, during the term for which he is elected, be appointed or elected to any office of the Territory of Hawaii.

## DISQUALIFICATIONS OF GOVERNMENT OFFICERS AND EMPLOYEES.

Government  
officers ineligible  
as legislators.

SEC. 17. That no person holding office in or under or by authority of the Government of the United States or of the Territory of Hawaii shall be eligible to election to the legislature, or to hold the position of a member of the same while holding said office.

Idiots, con-  
victs, etc., dis-  
qualified as  
voters.

SEC. 18. No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold any office in, or under, or by authority of, the government, unless the person so convicted shall have been pardoned and restored to his civil rights.

## OATH OF OFFICE.

Oath of office.

SEC. 19. That every member of the legislature, and all officers of the government of the Territory of Hawaii, shall take the following oath or affirmation:

I solemnly swear (or affirm), in the presence of Almighty God, that I will faithfully support the Constitution and laws of the United States, and conscientiously and impartially discharge my duties as a member of the legislature, or as an officer of the government of the Territory of Hawaii (as the case may be).



## OFFICERS AND RULES.

SEC. 20. That the senate and house of representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Act, and keep a journal. Officers and rules.

## AYES AND NOES.

SEC. 21. That the ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered on the journal. Ayes and noes.

## QUORUM.

SEC. 22. That a majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a law in each house shall require the vote of a majority of all the members to which such house is entitled. Quorum.

SEC. 23. That a smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide. —smaller number may adjourn from day to day.

SEC. 24. That, for the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members present. —ascertaining quorum.

## PUNISHMENT OF PERSONS NOT MEMBERS.

SEC. 25. That each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house. Punishment of persons not members.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense. —offenses specified.

## COMPENSATION OF MEMBERS.

SEC. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of four hundred Compensation of members.

dollars for each regular session of the legislature, payable in three equal installments on and after the first, thirtieth, and fiftieth days of the session, and the sum of two hundred dollars for each extra session of the legislature.

#### PUNISHMENT OF MEMBERS.

Punishment of members.

SEC. 27. That each house may punish its own members for disorderly behavior or neglect of duty, by censure, or by a two-thirds vote suspend or expel a member.

#### EXEMPTION FROM LIABILITY.

Exemption from liability.

SEC. 28. That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions in either house.

#### EXEMPTION FROM ARREST.

Exemption from arrest.

SEC. 29. That the members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the respective houses, and in going to and returning from the same: *Provided*, That such privilege as to going and returning shall not cover a period of over ten days each way.

*Proviso.*  
—limitation.

Senate.

#### THE SENATE.

Number of members.

#### NUMBER OF MEMBERS.

Term of service.

*Proviso.*  
Division into classes.

SEC. 30. That the senate shall be composed of fifteen members, who shall hold office for four years: *Provided*, however, That of the senators elected at the first general election, two from the first district, one from the second, three from the third, and one from the fourth district shall hold office for two years only, the details of such apportionment to be provided for by the legislature.

#### VACANCIES.

Vacancies.

SEC. 31. That vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at general or special elections.

#### SENATORIAL DISTRICTS.

Senatorial districts.

SEC. 32. That for the purpose of representation in the senate, until otherwise provided by law, the Territory is divided into the following senatorial districts, namely:

First district: The island of Hawaii.

Second district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Third district: The island of Oahu.

Fourth district: The islands of Kauai and Niihau.



SEC. 33. That the electors in the said districts shall be <sup>Apportionment.</sup> entitled to elect senators as follows:

- In the first district, four;
- In the second district, three;
- In the third district, six;
- In the fourth district, two.

*The several senators elected in the First, Second, Third, and Fourth senatorial districts at the first general election held in the Territory of Hawaii shall, except as hereinafter provided, each hold office for the term of four years from the date of such election.* <sup>Hawaii. Term of office of senators, first election.</sup>

*For the First senatorial district N. Russell and J. D. Paris shall each hold office as a senator for such district for the term of two years.* <sup>First district.</sup>

*For the Second senatorial district William White shall hold office as a senator for such district for the term of two years.* <sup>Second district.</sup>

*For the Third senatorial district D. Kanuha, George R. Carter, and William C. Achi shall each hold office as a senator for such district for the term of two years.* <sup>Third district.</sup>

*For the Fourth senatorial district I. H. Kahilina shall hold office as a senator for such district for the term of two years.* <sup>Fourth district.</sup> (Act May 19, 1902.)

#### QUALIFICATIONS OF SENATORS.

SEC. 34. That in order to be eligible to election as a senator a person shall— <sup>Qualifications of senators.</sup>

- Be a male citizen of the United States;
- Have attained the age of thirty years;
- Have resided in the Hawaiian Islands not less than three years and be qualified to vote for senators in the district from which he is elected.

#### THE HOUSE OF REPRESENTATIVES.

<sup>House of representatives.</sup>

#### NUMBER OF REPRESENTATIVES.

SEC. 35. That the house of representatives shall be composed of thirty members, elected, except as herein provided, every second year. <sup>Number of representatives, etc.</sup>

#### TERM OF OFFICE.

SEC. 36. That the term of office of the representatives elected at any general or special election shall be until the next general election held thereafter. <sup>Term of office.</sup>

#### VACANCIES.

SEC. 37. That vacancies in the office of representative caused by death, resignation, or otherwise shall be filled for the unexpired term at special elections. <sup>Vacancies.</sup>

## REPRESENTATIVE DISTRICTS.

Representative  
districts.

SEC. 38. That for the purpose of representation in the house of representatives, until otherwise provided by law, the Territory is divided into the following representative districts, namely:

First district: That portion of the island of Hawaii known as Puna, Hilo, and Hamakua.

Second district: That portion of the island of Hawaii known as Kau, Kona, and Kohala.

Third district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Fourth district: That portion of the island of Oahu lying east and south of Nuuanu street and a line drawn in extension thereof from the Nuuanu Pali to Mokapu Point.

Fifth district: That portion of the island of Oahu lying west and north of the fourth district.

Sixth district: The islands of Kauai and Niihau.

## APPORTIONMENT.

Apportion-  
ment.

SEC. 39. That the electors in the said districts shall be entitled to elect representatives as follows:

In the first district, four;

In the second district, four;

In the third district, six;

In the fourth district, six;

In the fifth district, six;

In the sixth district, four.

## QUALIFICATIONS OF REPRESENTATIVES.

Qualifications  
of representa-  
tives.

SEC. 40. That in order to be eligible to be a member of the house of representatives a person shall, at the time of election—

Have attained the age of twenty-five years;

Be a male citizen of the United States;

Have resided in the Hawaiian Islands not less than three years;

And shall be qualified to vote for representatives in the district from which he is elected.

Legislation.

## LEGISLATION.

## SESSIONS OF THE LEGISLATURE.

Sessions of the  
legislature.

SEC. 41. That the first regular session of the legislature shall be held on the third Wednesday in February, nineteen hundred and one, and triennially thereafter, in Honolulu.

SEC. 42. That neither house shall adjourn during any session for more than three days, or sine die, without the consent of the other.

—duration of.

SEC. 43. That each session of the legislature shall continue not longer than sixty days, excluding Sundays and



holidays: *Provided, however,* That the governor may extend such session for not more than thirty days. Proviso.—extension.

The governor may convene the legislature or the senate alone, in special session, and, in case the seat of government shall be unsafe from an enemy, riot, or insurrection, or any dangerous disease, direct that any regular or special session shall be held at some other than the regular meeting place. Special session. Session at other than capital.

#### ENACTING CLAUSE—ENGLISH LANGUAGE.

SEC. 44. That the enacting clause of all laws shall be, Enacting clause.  
 “Be it enacted by the legislature of the Territory of Hawaii.”

All legislative proceedings shall be conducted in the English language. English language.

#### TITLE OF LAWS.

SEC. 45. That each law shall embrace but one subject, Title of laws.  
 which shall be expressed in its title.

#### READING OF BILLS.

SEC. 46. That a bill in order to become a law shall, Reading of bills.  
 except as herein provided, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. —final passage.

#### CERTIFICATION OF BILLS FROM ONE HOUSE TO THE OTHER.

SEC. 47. That every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration. Certification of bills from one house to another.

#### SIGNING BILLS.

SEC. 48. That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor. Signing bills.

#### VETO OF GOVERNOR.

SEC. 49. That every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it, and it shall become a law. If the governor does not approve such bill, he may return it, with his objections, to the legislature. Veto of governor

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

Procedure  
upon receipt of  
veto.

#### PROCEDURE UPON RECEIPT OF VETO.

SEC. 50. That upon the receipt of a veto message from the governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

If after such reconsideration such bill, or part of a bill, shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become law.

#### FAILURE TO SIGN OR VETO.

Failure to  
sign or veto.

SEC. 51. That if the governor neither signs nor vetoes a bill within ten days after it is delivered to him it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such ten days.

If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevents its return, in which case it shall not be a law.

#### APPROPRIATIONS.

Appropriations made biennially.

*Proviso.*  
Use of funds in  
Hawaiian treasury authorized.

SEC. 52. That appropriations, except as otherwise herein provided, shall be made biennially by the legislature:

*Provided, however,* That pending the time when this Act shall take effect and until a session of the legislature of the Territory of Hawaii shall be held, the President may, in his discretion, authorize and direct the use of such money in the treasury of the Republic of Hawaii as well as of the Territory of Hawaii, as he shall think requisite and proper for carrying on the government of the Territory of Hawaii, the preservation of the public health, the completion of the sewerage system of the city of Honolulu, and such other expenditures as in the President's judgment shall seem to be appropriate.

Estimates for appropriations.

SEC. 53. That the governor shall submit to the legislature, at each regular session, estimates for appropriations for the succeeding biennial period.

Failure to appropriate for current expenses.

SEC. 54. That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated. And all legislative and other appropriations made prior to the date when this Act shall take effect, shall be available to the government of the Territory of Hawaii.

—extra session.



## LEGISLATIVE POWER.

SEC. 55. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. The legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reappoint the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, savings banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association: *Provided*, That no corporation, domestic or foreign, shall acquire and hold real estate in Hawaii in excess of one thousand acres; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States, but existing vested rights in real estate shall not be impaired. No divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending when this Act takes effect; nor shall any lottery or sale of lottery tickets be allowed; nor shall spirituous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to sup-

Legislative  
power.  
—scope of.

—exclusive priv-  
ileges, etc., to  
corporations.

—private char-  
ters.

—incorpora-  
tions.

*Proviso.*  
Real estate  
holdings of cor-  
porations limit-  
ed, etc.

Divorce.

Lotteries.

Liquors.

Sectarian, etc.,  
schools.

Government  
subscription to  
stock of corpora-  
tions, etc.

Contracting  
Territorial debts  
restricted, etc.

press insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any subdivision shall not exceed one per centum upon the assessed value of taxable property of the Territory or subdivision thereof, as the case may be, as shown by the last general assessment for taxation, and the total indebtedness for the Territory shall not at any time be extended beyond seven per centum of such assessed value, and the total indebtedness of any subdivision shall not at any time be extended beyond three per centum of such assessed value, but nothing in this provision shall prevent the refunding of any existing indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof, nor shall any bond or other instrument of any such indebtedness be issued unless made redeemable in not more than five years and payable in not more than fifteen years from the date of the issue thereof; nor shall any such bond or indebtedness be incurred until approved by the President of the United States.

#### TOWN, CITY, AND COUNTY GOVERNMENT.

Town, etc.  
government.

SEC. 56. That the legislature may create counties and town and city municipalities within the Territory of Hawaii and provide for the government thereof; *and all officials thereof shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislature of the Territory.* (Act Mar. 3, 1905.)

#### ELECTIONS.

##### EXEMPTION OF ELECTORS ON ELECTION DAY.

Elections.

SEC. 57. That every elector shall be privileged from arrest on election day during his attendance at election and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony.

Exemption of  
electors on elec-  
tion day.

SEC. 58. That no elector shall be so obliged to perform military duty on the day of election as to prevent his voting, except in time of war or public danger, or in case of absence from his place of residence in actual military service, in which case provision may be made by law for taking his vote.

##### METHOD OF VOTING FOR REPRESENTATIVES.

Method of  
voting for rep-  
resentatives.

SEC. 59. That each voter for representative may cast a vote for as many representatives as are to be elected from the representative district in which he is entitled to vote.



The required number of candidates receiving the highest number of votes in the respective representative districts shall be the representatives for such districts.

#### QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

SEC. 60. That in order to be qualified to vote for representatives a person shall— Qualifications of voters for representatives.

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of twenty-one years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Be able to speak, read, and write the English or Hawaiian language.

#### METHOD OF VOTING FOR SENATORS.

SEC. 61. That each voter for senator may cast one vote for each senator to be elected from the senatorial district in which he is entitled to vote. Method of voting for senators.

The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the senators for such district.

#### QUALIFICATIONS OF VOTERS FOR SENATORS AND IN ALL OTHER ELECTIONS.

SEC. 62. That in order to be qualified to vote for senators and for voting in all other elections in the Territory of Hawaii a person must possess all the qualifications and be subject to all the conditions required by this Act of voters for representatives. Qualifications of voters for senators and in all other elections.

SEC. 63. That no person shall be allowed to vote who is in the Territory by reason of being in the Army or Navy or by reason of being attached to troops in the service of the United States. Military service in Territory, disqualification.

SEC. 64. That the rules and regulations for administering oaths and holding elections set forth in Ballou's Compilation, Civil Laws, Appendix, and the list of registering districts and precincts appended, are continued in force with the following changes, to wit: Ballou's Compilation. Provision as to oaths, etc., continued in force.

Strike out the preliminary proclamation and sections one to twenty-six, inclusive, sections thirty and thirty-nine, the second and third paragraphs of section forty-eight, the second paragraph of section fifty, and sections sixty-two, sixty-three, and sixty-six, second paragraph of section one hundred. —except.

In section twenty-nine strike out all after the word "Niihau" and in lieu thereof insert: "The boards of registration existing at the date of the approval of this Act shall go out of office, and new boards, which shall consist of three members each, shall be appointed by the governor, by and with the advice and consent of the senate, whose terms of office shall be four years. Appointments made by the governor when the senate is not in session shall be valid until the succeeding meeting of that body."

In section thirty-one strike out "the first day of April and the thirtieth day of June, in the year eighteen hundred and ninety-seven," and insert in lieu thereof "the last day of August and the tenth day of October, in the year nineteen hundred."

Strike out the words "and the detailed record" in sections fifty-two and one hundred and twelve.

Strike out "marshal" wherever it occurs and insert in lieu thereof "high sheriff."

Strike out of section fifty-three the words "except as provided in section one hundred and fourteen hereof."

In sections fifty-three, fifty-four, fifty-six, fifty-seven, fifty-nine, sixty, seventy-one, seventy-five, eighty-six, ninety-two, ninety-three, ninety-four, ninety-five, one hundred and eleven, one hundred and twelve, and one hundred and thirteen strike out the words "minister" and "minister of the interior" wherever they occur and insert in lieu thereof the words "secretary of the Territory."

In section fifty-six, paragraph three, strike out "interior office" and insert "office of the secretary of the Territory."

In section fifty-six, first paragraph, after the words "candidate for election" insert "to the legislature;" and in the last paragraph strike out the word "only."

Strike out the word "elective" in section sixty-four.

In sections twenty-seven, sixty-four, sixty-five, sixty-eight, seventy, and seventy-two strike out the words "minister of the interior" or "minister" wherever they occur and insert in lieu thereof the word "governor."

Amend section sixty-seven so that it will read: "At least forty days before any election the governor shall issue an election proclamation and transmit copies of the same to the several boards of inspectors throughout the Territory, or where such election is to be held."

In section seventy-five strike out the word "perfectly," and in section seventy-six strike out "in" and insert "on."

In section one hundred and twelve strike out "interior department" and insert in lieu thereof "office of the secretary of the Territory."

In section one hundred and fourteen strike out the word "Republic" wherever it occurs and insert in lieu thereof "Territory."



In section one hundred and fifteen strike out the words "minister" and "minister of the interior" and insert in lieu thereof "treasurer," and strike out all after the word "refreshments:" *Provided, however,* That for the holding of a special election before the first general election the governor may prescribe the time during which the boards of registration shall meet and the registration be made.

SEC. 65. That the legislature of the Territory may from time to time establish and alter the boundaries of election districts and voting precincts and apportion the senators and representatives to be elected from such districts.

Altering  
boundaries of  
election districts.

### CHAPTER 3.—THE EXECUTIVE.

The executive.

#### THE EXECUTIVE POWER.

SEC. 66. That the executive power of the government of the Territory of Hawaii shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall be not less than thirty-five years of age; shall be a citizen of the Territory of Hawaii; shall be commander in chief of the militia thereof; may grant pardons or reprieves for offenses against the laws of the said Territory and reprieves for offenses against the laws of the United States until the decision of the President is made known thereon.

Governor.

#### ENFORCEMENT OF LAW.

SEC. 67. That the governor shall be responsible for the faithful execution of the laws of the United States and of the Territory of Hawaii within the said Territory, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Territory of Hawaii, or summon the posse comitatus, or call out the militia of the Territory to prevent or suppress lawless violence, invasion, insurrection, or rebellion in said Territory, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the Territory, or any part thereof, under martial law until communication can be had with the President and his decision thereon made known.

Powers of gov-  
ernor.

#### GENERAL POWERS OF THE GOVERNOR.

SEC. 68. That all the powers and duties which, by the laws of Hawaii, are conferred upon or required of the President or any minister of the Republic of Hawaii

—general pow-  
ers.

(acting alone or in connection with any other officer or person or body) or the cabinet or executive council and not inconsistent with the Constitution or laws of the United States, are conferred upon and required of the governor of the Territory of Hawaii, unless otherwise provided.

#### SECRETARY OF THE TERRITORY.

Secretary of  
the Territory,  
duties, etc.

SEC. 69. That there shall be a secretary of the said Territory, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and who shall be a citizen of the Territory of Hawaii and hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall record and preserve all the laws and proceedings of the legislature and all acts and proceedings of the governor, and promulgate proclamations of the governor. He shall, within thirty days after the end of each session of the legislature, transmit to the President, the President of the Senate, and the Speaker of the House of Representatives of the United States one copy each of the laws and journals of such session. He shall transmit to the President, semiannually, on the first days of January and July, a copy of the executive proceedings, and shall perform such other duties as are prescribed in this Act or as may be required of him by the legislature of Hawaii.

#### ACTING GOVERNOR IN CERTAIN CONTINGENCIES.

—when to act as  
governor.

SEC. 70. That in case of the death, removal, resignation, or disability of the governor, or his absence from the Territory, the secretary shall exercise all the powers and perform all the duties of governor during such vacancy, disability, or absence, or until another governor is appointed and qualified.

#### ATTORNEY-GENERAL.

Attorney-general,  
duties, etc.

SEC. 71. That there shall be an attorney-general, who shall have the powers and duties of the attorney-general and those of the powers and duties of the minister of the interior which relate to prisons, prisoners, and prison inspectors, notaries public, and escheat of lands under the laws of Hawaii, except as changed by this Act and subject to modification by the legislature.

#### TREASURER.

Treasurer, du-  
ties, etc.

SEC. 72. That there shall be a treasurer, who shall have the powers and duties of the minister of finance and those of the powers and duties of the minister of the interior which relate to licenses, corporations, companies, and partnerships, business conducted by married women,



newspapers, registry of conveyances, and registration of prints, labels, and trade-marks under the laws of Hawaii, except as changed in this Act and subject to modification by the legislature.

#### COMMISSIONER OF PUBLIC LANDS.

Commissioner of public lands.

SEC. 73. That the laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this Act, shall continue in force until Congress shall otherwise provide. That, subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii between the seventh day of July, eighteen hundred and ninety-eight, and the twenty-eighth day of September, eighteen hundred and ninety-nine, are hereby ratified and confirmed. In said laws "land patent" shall be substituted for "royal patent;" "commissioner of public lands" for "minister of the interior," "agent of public lands," and "commissioners of public lands," or their equivalents; and the words "that I am a citizen of the United States," or "that I have declared my intention to become a citizen of the United States, as required by law," for the words "that I am a citizen by birth (or naturalization) of the Republic of Hawaii," or "that I have received letters of denization under the Republic of Hawaii," or "that I have received a certificate of special right of citizenship from the Republic of Hawaii." And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct. All funds arising from the sale or lease or other disposal of such lands shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight: *Provided*, There shall be excepted from the provisions of this section all lands heretofore set apart, or reserved, by Executive order, or orders, by the President of the United States.

Public-land laws, sales, etc., continued in force.

Change of terms.

Lease of agricultural land.

Vol. 30, p. 750.

*Proviso.*—exception.

#### COMMISSIONER OF AGRICULTURE AND FORESTRY.

Commissioner of Agriculture and Forestry.

Laws continued in force.

SEC. 74. That the laws of Hawaii relating to agriculture and forestry, except as changed by this Act, shall continue in force, subject to modification by Congress or the legislature. In said laws "commissioner of agriculture and forestry" shall be substituted, respectively, for "bureau," "bureau of agriculture and forestry," "commissioner," "commissioners of agriculture," and "commissioners for the island of Oahu."

Change of terms.

## SUPERINTENDENT OF PUBLIC WORKS.

Superintendent of public works, duties, etc.

Change of terms.

SEC. 75. That there shall be a superintendent of public works, who shall have the powers and duties of the superintendent of public works and those of the powers and duties of the minister of the interior which relate to streets and highways, harbor improvements, wharves, landings, waterworks, railways, electric light and power, telephone lines, fences, pounds, brands, weights and measures, fires and fireproof buildings, explosives, eminent domain, public works, markets, buildings, parks and cemeteries, and other grounds and lands now under the control and management of the minister of the interior, and those of the powers and duties of the minister of finance and collector-general which relate to pilots and harbor masters under the laws of Hawaii, except as changed by this Act and subject to modification by the legislature. In said laws the word "legislature" shall be substituted for "councils" and the words "the circuit court" for "the Hawaiian Postal Savings Bank."

## SUPERINTENDENT OF PUBLIC INSTRUCTION.

Superintendent of public instruction, duties, etc.

Labor statistics.

SEC. 76. That there shall be a superintendent of public instruction, who shall have the powers and perform the duties conferred upon and required of the minister of public instruction by the laws of Hawaii as amended by [this] *the* Act, and subject to modification by the legislature.

It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in [annual] reports *in nineteen hundred and five, and every five years thereafter*, statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may, by law, direct. The said commissioner is especially charged to ascertain, [at as early a date as possible, and as often thereafter as such information may be required,] the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress.

NOTE.—This section amended by Act April 8, 1904. See Appendix.

## AUDITOR AND DEPUTY AUDITOR.

Auditor and deputy, duties, etc.

SEC. 77. That there shall be an auditor and deputy auditor, who shall have the powers and duties conferred upon and required of the auditor-general and deputy auditor-general, respectively, by act thirty-nine of the Session Laws, as amended by this Act, subject to modification by the legislature. In said act "officer" shall



be substituted for "minister" where used without other designation.

#### SURVEYOR.

Surveyor.

SEC. 78. That there shall be a surveyor, who shall have the powers and duties heretofore attached to the surveyor-general, except such as relate to the geodetic survey of the Hawaiian Islands.

#### HIGH SHERIFF.

SEC. 79. That there shall be a high sheriff and deputies, who shall have the powers and duties of the marshal and deputies of the Republic of Hawaii under the laws of Hawaii, except as changed by this Act, and subject to modification by the legislature.

High sheriff.

#### APPOINTMENT, REMOVAL, TENURE, AND SALARIES OF OFFICERS.

SEC. 80. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, who shall hold their respective offices for the term of four years, unless sooner removed by the President; and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

Appointment of officers.

—removal.

Term of office.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

Appointment, etc., of unspecified officers.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

Salaries.



Officers to be citizens.

All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii.

Present incumbents to hold until successor appointed.

All persons holding office in the Hawaiian Islands at the time this Act takes effect shall continue to hold their respective offices until their successors are appointed and qualified, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as herein provided.

Tenure of office, etc.

*Provided, however, That nothing in this section shall be construed to conflict with the authority and powers conferred by section fifty-six of this Act as herein amended. (Act Mar. 3, 1905.)*

## CHAPTER 4.

### THE JUDICIARY.

The judiciary.

SEC. 81. That the judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. And until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

Supreme Court.

### SUPREME COURT.

—of what to consist.

SEC. 82. That the supreme court shall consist of a chief justice and two associate justices, who shall be citizens of the Territory of Hawaii and shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and may be removed by the President: *Provided, however, That in case of the disqualification or absence of any justice thereof, in any cause pending before the court, on the trial and determination of said cause his place shall be filled as provided by law: Provided, That writs of error and appeals may also be taken from the supreme court of the Territory of Hawaii to the Supreme Court of the United States in all cases where the amount involved, exclusive of costs, exceeds the sum or value of five thousand dollars. (Act Mar. 3, 1905.)*

*Proviso.*  
Absence of justices.

Supreme Court of the United States.  
Appeals, etc., to.

Laws continued in force.

SEC. 83. That the laws of Hawaii relative to the judicial department, including civil and criminal procedure, except as amended by this Act, are continued in force, subject to modification by Congress, or the legislature. The provisions of said laws or any laws of the Republic of Hawaii which require juries to be composed of aliens or foreigners only, or to be constituted by impaneling natives of Hawaii only, in civil and criminal cases specified in said laws, are repealed, and all juries shall here-

Juries.  
—repeal of certain provisions.

after be constituted without reference to the race or place of nativity of the jurors; but no person who is not a male <sup>—qualifications.</sup> citizen of the United States and twenty-one years of age and who can not understandingly speak, read, and write the English language shall be a qualified juror or grand juror in the Territory of Hawaii. No person shall be convicted in any criminal case except by unanimous verdict of the jury. No plaintiff or defendant in any suit or proceeding in a court of the Territory of Hawaii shall be entitled to a trial by a jury impaneled exclusively from persons of any race. <sup>—of one race only, etc.</sup> Until otherwise provided by the legislature of the Territory, grand juries may be drawn <sup>—grand juries.</sup> in the manner provided by the Hawaiian statutes for drawing petty juries, and shall sit at such times as the circuit judges of the respective circuits shall direct; the number of grand jurors in each circuit shall be not less than thirteen, and the method of the presentation of cases to said grand jurors shall be prescribed by the supreme court of the Territory of Hawaii. The several circuit courts may subpoena witnesses to appear before the grand jury in like manner as they subpoena witnesses to appear before their respective courts.

DISQUALIFICATION BY RELATIONSHIP, PECUNIARY INTEREST, OR PREVIOUS JUDGMENT.

SEC. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through such relative, any pecuniary interest. No judge shall sit on an appeal, or new trial, in any case, in which he may have given a previous judgment. <sup>Disqualification of judge or jury.</sup>

CHAPTER 5.—UNITED STATES OFFICERS.

United States officers.

DELEGATE TO CONGRESS.

SEC. 85. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature; such Delegate shall possess the qualifications necessary for membership of the senate of the legislature of Hawaii. [The times, places, and manner of holding elections shall be as fixed by law.] <sup>Delegate to Congress.</sup>

*Such election shall be held on the first Tuesday after the first Monday in November of every even year and at such places as shall be designated by the secretary of the Territory. The ballot for Delegate shall be such as the legislature of Hawaii may designate, and until provision is made by the Territorial legislature the ballot shall be of pink paper and shall be of the same general form as those used for the election of representatives to the legislature.* <sup>Time of election.</sup> <sup>Ballot.</sup>



Certifying  
names of candi-  
dates.

*The method of certifying the names of candidates for place on this ballot and all the conduct of the election of a Delegate shall be in conformity to the general election laws of the Territory of Hawaii. (Act June 28, 1906.)*

The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting.

Filling vacan-  
cy.

*In case of a vacancy occurring in the office of Delegate, the governor of the Territory is directed to call a special election to fill such vacancy: Provided, however, That no vacancy shall be filled which occurs within five months of the expiration of a Congressional term.*

Proviso.  
Restriction.

Amendment.

*The legislature of the Territory of Hawaii shall have the right to alter or amend any part of the election laws of said Territory, including those providing for an election of Delegate to Congress, and its action shall be the law, with full, binding force, until altered, amended, or repealed by Congress. . (Act June 28, 1906.)*

#### FEDERAL COURT

Federal Court.

Appointment  
of judge, etc.

Jurisdiction.

Procedure, etc.

SEC. 86. That there shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for six years unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court; and said judge, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United



States and the courts of the Territory of Hawaii. Regular terms of said court shall be held at Honolulu on the second Monday in April and October and at Hilo on the last Wednesday in January of each year; and special terms may be held at such times and places in said district as the said judge may deem expedient. The said district judge shall appoint a clerk for said court at a salary of three thousand dollars per annum, and shall appoint a reporter of said court at a salary of twelve hundred dollars per annum.

Terms of court.

Clerk.

Reporter.

## INTERNAL-REVENUE DISTRICT.

SEC. 87. That the Territory of Hawaii shall constitute a district for the collection of the internal revenue of the United States, with a collector, whose office shall be at Honolulu, and deputy collectors at such other places in the several islands as the Secretary of the Treasury shall direct.

Internal-revenue district.

## CUSTOMS DISTRICT.

SEC. 88. That the Territory of Hawaii shall comprise a customs district of the United States, with ports of entry and delivery at Honolulu, Hilo, Mahukona, and Kahului.

Customs district.

## CHAPTER 6.—MISCELLANEOUS.

## REVENUES FROM WHARVES.

SEC. 89. That until further provision is made by Congress the wharves and landings constructed or controlled by the Republic of Hawaii on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of the Territory of Hawaii, which shall receive and enjoy all revenues derived therefrom, on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of the Territory of Hawaii for the use of any such property by the United States, or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States.

Revenues from wharves.

SEC. 90. That Hawaiian postage stamps, postal cards, and stamped envelopes at the post-offices of the Hawaiian Islands when this Act takes effect shall not be sold, but, together with those that shall thereafter be received at such offices as herein provided, shall be canceled under the direction of the Postmaster-General of the United States; those previously sold and uncanceled shall, if presented at such offices within six months after this Act takes effect, be received at their face value in exchange for postage stamps, postal cards, and stamped envelopes of the United States of the same aggregate face value and, so far as may be, of such denominations as desired.

Disposition of Hawaiian postage stamps.

Disposition  
of public prop-  
erty ceded to the  
United States.  
Vol. 30, p. 750.

SEC. 91. That the public property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii. And all moneys in the Hawaiian treasury, and all the revenues and other property acquired by the Republic of Hawaii since said cession shall be and remain the property of the Territory of Hawaii.

Salaries of gov-  
ernor, etc.

SEC. 92. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, five thousand dollars; the secretary of the Territory, three thousand dollars; the chief justice of the supreme court of the Territory, five thousand five hundred dollars, and the associate justices of the supreme court, five thousand dollars each, and the judges of the circuit courts, three thousand dollars each. The salaries of the said chief justice and the associate justices of the supreme court, and the judges of the circuit courts as above provided shall be paid by the United States; the United States district judge, five thousand dollars; the United States marshal, two thousand five hundred dollars; the United States district attorney, three thousand dollars. And the governor shall receive annually, in addition to his salary, the sum of five hundred dollars for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of two thousand dollars annually for his private secretary.

#### IMPORTS FROM HAWAII INTO THE UNITED STATES.

Imports from  
Hawaii into the  
United States.

SEC. 93. That imports from any of the Hawaiian Islands, into any State or any other Territory of the United States, of any dutiable articles not the growth, production, or manufacture of said islands, and imported into them from any foreign country after July seventh, eighteen hundred and ninety-eight, and before this Act takes effect, shall pay the same duties that are imposed on the same articles when imported into the United States from any foreign country.

#### INVESTIGATION OF FISHERIES.

Investigation  
of fisheries.

SEC. 94. That the Commissioner of Fish and Fisheries of the United States is empowered and required to examine into the entire subject of fisheries and the laws relating to the fishing rights in the Territory of Hawaii, and report to the President touching the same, and to recommend such changes in said laws as he shall see fit.



## REPEAL OF LAWS CONFERRING EXCLUSIVE FISHING RIGHTS.

SEC. 95. That all laws of the Republic of Hawaii which confer exclusive fishing rights upon any person or persons are hereby repealed, and all fisheries in the sea waters of the Territory of Hawaii not included in any fish pond or artificial inclosure shall be free to all citizens of the United States, subject, however, to vested rights; but no such vested right shall be valid after three years from the taking effect of this Act unless established as hereinafter provided.

Repeal of laws  
conferring exclu-  
sive fishing  
rights.

## PROCEEDINGS FOR OPENING FISHERIES TO CITIZENS.

SEC. 96. That any person who claims a private right to any such fishery shall, within two years after the taking effect of this Act, file his petition in a circuit court of the Territory of Hawaii, setting forth his claim to such fishing right, service of which petition shall be made upon the attorney-general, who shall conduct the case for the Territory, and such case shall be conducted as an ordinary action at law.

Proceedings  
for opening  
fisheries to citi-  
zens.

That if such fishing right be established, the attorney-general of the Territory of Hawaii may proceed, in such manner as may be provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of the citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated.

## QUARANTINE.

Quarantine.

SEC. 97. That quarantine stations shall be established at such places in the Territory of Hawaii as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations for said islands relating to the importation of diseases from other countries shall be under the control of the Government of the United States. The quarantine station and grounds at the harbor of Honolulu, together with all the public property belonging to that service, shall be transferred to the Marine-Hospital Service of the United States, and said quarantine grounds shall continue to be so used and employed until the station is changed to other grounds which may be selected by order of the Secretary of the Treasury.

Stations, reg-  
ulations, etc.

Honolulu sta-  
tion.

The health laws of the government of Hawaii relating to the harbor of Honolulu and other harbors and inlets from the sea and to the internal control of the health of the islands shall remain in the jurisdiction of the government of the Territory of Hawaii, subject to the quarantine laws and regulations of the United States.



American  
register for cer-  
tain vessels.

SEC. 98. That all vessels carrying Hawaiian registers on the twelfth day of August, eighteen hundred and ninety-eight, and which were owned bona fide by citizens of the United States, or the citizens of Hawaii, together with the following-named vessels claiming Hawaiian register, Star of France, Euterpe, Star of Russia, Falls of Clyde, and Wilscott, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto, and the coasting trade between the islands aforesaid and any other portion of the United States, shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

Crown land  
free from trusts,  
etc.

SEC. 99. That the portion of the public domain heretofore known as Crown land is hereby declared to have been, on the twelfth day of August, eighteen hundred and ninety-eight, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever, upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law.

Naturaliza-  
tion.

SEC. 100. That for the purposes of naturalization under the laws of the United States residence in the Hawaiian Islands prior to the taking effect of this Act shall be deemed equivalent to residence in the United States and in the Territory of Hawaii, and the requirement of a previous declaration of intention to become a citizen of the United States and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to the taking effect of this Act; but all other provisions of the laws of the United States relating to naturalization shall, so far as applicable, apply to persons in the said islands.

Certificates  
of residence for  
Chinese.

Vol. 27, p. 25.

Vol. 28, p. 7.

SEC. 101. That Chinese in the Hawaiian Islands when this Act takes effect may within one year thereafter obtain certificates of residence as required by "An Act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, as amended by an Act approved November third, eighteen hundred and ninety-three, entitled "An Act to amend an Act entitled 'An Act to prohibit the coming of Chinese persons into the United States,' approved May fifth, eighteen hundred and ninety-two," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates: *Provided, however,* That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands.

*Proviso.*  
Chinese la-  
borers denied  
entrance into  
United States.

Hawaiian laws  
as to postal sav-  
ings banks abol-  
ished.

SEC. 102. That the laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. And the Secretary of

the Treasury; in the execution of the agreement of the United States as expressed in an Act entitled "Joint Resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight, shall pay the amounts on deposit in the Hawaiian Postal Savings Bank to the persons entitled thereto, according to their respective rights, and he shall make all needful orders, rules, and regulations for paying such persons and for notifying such persons to present their demands for payment. So much money as is necessary to pay said demands is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available on and after the first day of July, nineteen hundred, when such payments shall begin, and none of said demands shall bear interest after said date, and no deposit shall be made in said bank after said date. Said demands of such persons shall be certified to by the chief executive of Hawaii as being genuine and due to the persons presenting the same, and his certificate shall be sealed with the official seal of the Territory, and countersigned by its secretary, and shall be approved by the Secretary of the Interior, who shall draw his warrant for the amount due upon the Treasurer of the United States, and when the same are so paid no further liabilities shall exist in respect of the same against the governments of the United States or of Hawaii.

Hawaiian  
Postal Savings  
Bank.  
Payments to  
depositors au-  
thorized, etc.  
Vol. 30, p. 750.

SEC. 103. That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the first day of July, nineteen hundred and one, and any assets of said bank shall be turned over by the government of Hawaii to the Treasurer of the United States, and the Secretary of the Treasury shall cause an account to be stated, as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank.

—surplus, etc.,  
to be paid into  
United States  
Treasury.

SEC. 104. This act shall take effect forty-five days from and after the date of the approval thereof, excepting only as to section fifty-two, relating to appropriations, which shall take effect upon such approval.

Effect.

Approved, April 30, 1900.



# PORTO RICO.

[PUBLIC—No. 69.]

AN ACT Temporarily to provide revenues and a civil government for Porto Rico, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* the provisions of this Act shall apply to the island of Porto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which were ceded to the United States by the Government of Spain by treaty entered into on the tenth day of December, eighteen hundred and ninety-eight; and the name Porto Rico, as used in this Act, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.

Porto Rico.  
Provisions for  
civil government,  
etc.  
Scope of act.  
Vol. 30, p. 1754.

Tariff on foreign imports.

SEC. 2. That on and after the passage of this Act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Porto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries: *Provided*, That on all coffee in the bean or ground imported into Porto Rico there shall be levied and collected a duty of five cents per pound, any law or part of law to the contrary notwithstanding: *And provided further*, That all Spanish scientific, literary, and artistic works, not subversive of public order in Porto Rico, shall be admitted free of duty into Porto Rico for a period of ten years, reckoning from the eleventh day of April, eighteen hundred and ninety-nine, as provided in said treaty of peace between the United States and Spain: *And provided further*, That all books and pamphlets printed in the English language shall be admitted into Porto Rico free of duty when imported from the United States.

*Provisos.*  
—coffee.

Spanish books  
admitted free.

English books  
from the United  
States.

Tariff as be-  
tween the  
United States  
and Porto Rico.

SEC. 3. That on and after the passage of this Act all merchandise coming into the United States from Porto Rico and coming into Porto Rico from the United States shall be entered at the several ports of entry upon payment of fifteen per centum of the duties which are required to be levied, collected, and paid upon like articles



of merchandise imported from foreign countries; and in addition thereto upon articles of merchandise of Porto Rican manufacture coming into the United States and withdrawn for consumption or sale upon payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and on all articles of merchandise of United States manufacture coming into Porto Rico in addition to the duty above provided upon payment of a tax equal in rate and amount to the internal-revenue tax imposed in Porto Rico upon the like articles of Porto Rican manufacture: *Provided*, That on and after the date when this Act shall take effect, all merchandise and articles, except coffee, not dutiable under the tariff laws of the United States, and all merchandise and articles entered in Porto Rico free of duty under orders heretofore made by the Secretary of War, shall be admitted into the several ports thereof, when imported from the United States, free of duty, all laws or parts of laws to the contrary notwithstanding; and whenever the legislative assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Porto Rico, by this Act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty; and in no event shall any duties be collected after the first day of March, nineteen hundred and two, on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico.

—on Porto Rican manufactures.

—United States, manufactures.

*Proviso.*  
Admission free of merchandise not dutiable in the United States.

Duties to cease when system of local taxation established, etc.

No duties after March 1, 1902.

Duties, etc., to constitute separate fund in Treasury for benefit of Porto Rico.

SEC. 4. That the duties and taxes collected in Porto Rico in pursuance of this Act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Porto Rico, shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Porto Rico until the government of Porto Rico herein provided for shall have been organized, when all moneys theretofore collected under the provisions hereof, then unexpended, shall be transferred to the local treasury of

Secretary of Treasury to designate ports of entry and to make rules and regulations.

*Proviso.*  
Duties to be paid into Porto Rican treasury when civil government established.

Duties on entry or withdrawal of merchandise imported from Porto Rico prior to this act, etc.

*Proviso.*  
—duties based on weight.

General provisions.

Capital.

Spanish subjects deemed citizens of Porto Rico, etc.

Vol. 30, p. 1759.

—to constitute body politic, etc.

Porto Rico, and the Secretary of the Treasury shall designate the several ports and subports of entry in Porto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of this Act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions hereof: *Provided, however,* That as soon as a civil government for Porto Rico shall have been organized in accordance with the provisions of this Act and notice thereof shall have been given to the President he shall make proclamation thereof, and thereafter all collections of duties and taxes in Porto Rico under the provisions of this Act shall be paid into the treasury of Porto Rico, to be expended as required by law for the government and benefit thereof instead of being paid into the Treasury of the United States.

SEC. 5. That on and after the day when this Act shall go into effect all goods, wares, and merchandise previously imported from Porto Rico, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this Act, and to no other duty, upon the entry or the withdrawal thereof: *Provided,* That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

#### GENERAL PROVISIONS.

SEC. 6. That the capital of Porto Rico shall be at the city of San Juan and the seat of government shall be maintained there.

SEC. 7. That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety-nine; and they, together with such citizens of the United States as may reside in Porto Rico, shall constitute a body politic under



the name of The People of Porto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such.

*All the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law. (Naturalization Act June 29, 1906, section 30.)*

SEC. 8. That the laws and ordinances of Porto Rico now in force shall continue in full force and effect, except as altered, amended, or modified hereinafter, or as altered or modified by military orders and decrees in force when this Act shall take effect, and so far as the same are not inconsistent or in conflict with the statutory laws of the United States not locally inapplicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for Porto Rico or by Act of Congress of the United States: *Provided*, That so much of the law which was in force at the time of cession, April eleventh, eighteen hundred and ninety-nine, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph four, article eighty-three, chapter three, civil code, and which was continued by the order of the secretary of justice of Porto Rico, dated March seventeenth, eighteen hundred and ninety-nine, and promulgated by Major-General Guy V. Henry, United States Volunteers, is hereby repealed and annulled, and all persons lawfully married in Porto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages: *And provided further*, That paragraph one, article one hundred and five, section four, divorce, civil code, and paragraph two, section nineteen, of the order of the minister of justice of Porto Rico, dated March seventeenth, eighteen hundred and ninety-nine, and promulgated by Major-General Guy V. Henry, United States Volunteers, be, and the same hereby are, so amended as to read: "Adultery on the part of either the husband or the wife."

Existing laws continued.  
—except.

Provisos.  
—marriage of priests, etc.

—adultery, etc.

SEC. 9. That the Commissioner of Navigation shall make such regulations, subject to the approval of the Secretary of the Treasury, as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Porto Rico on the eleventh day of April, eighteen

Nationalization of Porto Rican vessels.



hundred and ninety-nine, and which continued to be so owned up to the date of such nationalization, and for the admission of the same to all the benefits of the coasting trade of the United States; and the coasting trade between Porto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States.

Quarantine  
stations.

—regulations.

SEC. 10. That quarantine stations shall be established at such places in Porto Rico as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States.

Redemption of  
Porto Rican  
coins.

—recoinage.

Legal tender.

Appropriation.

Regulations.

Proviso.  
Existing  
debts; in what  
payable.

Expenses pay-  
able from Porto  
Rican revenues.

SEC. 11. That for the purpose of retiring the Porto Rican coins now in circulation in Porto Rico and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in Porto Rico, all the silver coins of Porto Rico known as the peso and all other silver and copper Porto Rican coins now in circulation in Porto Rico, not including any such coins that may be imported into Porto Rico after the first day of February, nineteen hundred, at the present established rate of sixty cents in the coins of the United States for one peso of Porto Rico coin, and for all minor or subsidiary coins the same rate of exchange shall be applied. The Porto Rican coins so purchased or redeemed shall be recoinage at the expense of the United States, under the direction of the Secretary of the Treasury, into such coins of the United States now authorized by law as he may direct, and from and after three months after the date when this Act shall take effect no coins shall be a legal tender, in payment of debts thereafter contracted, for any amount in Porto Rico, except those of the United States; and whatever sum may be required to carry out the provisions hereof, and to pay all expenses that may be incurred in connection therewith, is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish the purposes hereof: *Provided, however,* That all debts owing on the date when this Act shall take effect shall be payable in the coins of Porto Rico now in circulation, or in the coins of the United States at the rate of exchange above named.

SEC. 12. That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, light-houses, buoys, and other works undertaken by the United States, shall be paid by the treasurer of Porto Rico out of the revenues in his custody.

SEC. 13. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in said treaty of peace in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines, or minerals under the surface of private lands, and all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas or navigable waters, is hereby placed under the control of the government established by this Act to be administered for the benefit of the people of Porto Rico; and the legislative assembly hereby created shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable.

Property in bridges, unnavigable streams, etc., acquired under treaty of peace placed under government of Porto Rico, etc.

NOTE.—For authority given Secretary of War with respect to erection and maintenance of structures in harbor areas and navigable waters of Porto Rico, see act of June 11, 1906, Appendix, page 85.

SEC. 14. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws, which, in view of the provisions of section three, shall not have force and effect in Porto Rico.

Federal laws applicable.

SEC. 15. That the legislative authority hereinafter provided shall have power by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act, as it may from time to time see fit.

Legislature may repeal, etc., laws continued in force.

SEC. 16. That all judicial process shall run in the name of "United States of America, ss: the President of the United States," and all criminal or penal prosecutions in the local courts shall be conducted in the name and by the authority of "The people of Porto Rico;" and all officials authorized by this Act shall before entering upon the duties of their respective offices take an oath to support the Constitution of the United States and the laws of Porto Rico.

Judicial process.

Oath.

#### THE GOVERNOR.

The governor.

SEC. 17. That the official title of the chief executive officer shall be "The Governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified unless sooner removed by the President; he shall reside in Porto Rico during his official incumbency, and shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of Porto Rico, and

Title.

Appointment.

Term of office.

Location of office.

Powers.



respites for offenses against the laws of the United States, until the decision of the President can be ascertained; he shall commission all officers that he may be authorized to appoint, and may veto any legislation enacted, as hereinafter provided; he shall be the commander in chief of the militia, and shall at all times faithfully execute the laws, and he shall in that behalf have all the powers of governors of the Territories of the United States that are not locally inapplicable; and he shall annually, and at such other times as he may be required, make official report of the transactions of the government in Porto Rico, through the Secretary of State, to the President of the United States: *Provided*, That the President may, in his discretion, delegate and assign to him such executive duties and functions as may in pursuance with law be so delegated and assigned.

Report.

*Proviso.*  
Duties which  
may be assigned  
him.

#### THE EXECUTIVE COUNCIL.

Appointment of  
officials, etc., who  
shall constitute  
the executive  
council.

SEC. 18. That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in Porto Rico during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with five other persons of good repute, to be also appointed by the President for a like term of four years, by and with the advice and consent of the Senate, shall constitute an executive council, at least five of whom shall be native inhabitants of Porto Rico, and, in addition to the legislative duties hereinafter imposed upon them as a body, shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials and as such executive council; and in addition to the duties provided by section thirty-six of the Act of April twelfth, nineteen hundred, the executive council shall, from time to time, determine the salaries of all officials and assistants, appointed by the United States district court, including the clerk and the interpreter, which shall be paid out of the revenues of Porto Rico as other salaries and expenses of like character are paid under the provisions of said Act. (Act Mar. 2, 1901.)

—Duties.

Salaries of em-  
ployees district  
court.

Secretary;  
duties of, etc.

SEC. 19. That the Secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor and all laws enacted by the legislative assembly. He shall, within



sixty days after the end of each session of the legislative assembly, transmit to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

SEC. 20. That in case of the death, removal, resignation, <sup>to act in ab-</sup> or disability of the governor, or his temporary absence <sup>sence of govern-</sup> or from Porto Rico, the secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

SEC. 21. That the attorney-general shall have all the powers and discharge all the duties provided by law for <sup>Attorney-gen-</sup> an attorney of a Territory of the United States in so far <sup>eral.</sup> as the same are not locally inapplicable, and he shall perform such other duties as may be prescribed by law, and make such reports, through the governor, to the Attorney-General of the United States as he may require, which shall annually be transmitted to Congress.

SEC. 22. That the treasurer shall give bond, approved <sup>Treasurer.</sup> as to form by the attorney-general of Porto Rico, in such sum as the executive council may require, not less, however, than the sum of one hundred thousand dollars, with surety approved by the governor, and he shall collect and be the custodian of the public funds, and shall disburse the same when appropriated by law, on warrants signed by the auditor and countersigned by the governor, and shall perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require, which shall annually be transmitted to Congress.

SEC. 23. That the auditor shall keep full and accurate <sup>Auditor.</sup> accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require, which shall annually be transmitted to Congress.

SEC. 24. That the commissioner of the interior shall <sup>Commissioner</sup> superintend all works of a public nature, and shall have <sup>of the interior.</sup> charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports through the governor to the Secretary of the Interior of the United States as he may require, which shall annually be transmitted to Congress.

SEC. 25. That the commissioner of education shall <sup>Commissioner</sup> superintend public instruction throughout Porto Rico, <sup>of education.</sup> and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of

Education of the United States, which shall annually be transmitted to Congress.

Other members  
of executive  
council; duties,  
etc.

SEC. 26. That the other five members of the executive council, to be appointed as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it; and they shall receive as compensation for their services such annual salaries as may be provided by the legislative assembly.

#### HOUSE OF DELEGATES.

Legislative  
assembly of  
Porto Rico to  
consist of ex-  
ecutive council  
and house of  
delegates.

SEC. 27. That all local legislative powers hereby granted shall be vested in a legislative assembly which shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of thirty-five members elected biennially by the qualified voters as hereinafter provided; and the two houses thus constituted shall be designated "The legislative assembly of Porto Rico."

Election dis-  
tricts.

SEC. 28. That for the purpose of such elections Porto Rico shall be divided by the executive council into seven districts, composed of contiguous territory and as nearly equal as may be in population, and each district shall be entitled to five members of the house of delegates.

#### ELECTION OF DELEGATES.

Election  
delegates.

—term of serv-  
ice, etc.

SEC. 29. That the first election for delegates shall be held on such date and under such regulations as to ballots and voting as the executive council may prescribe; and at such elections the voters of each legislative district shall choose five delegates to represent them in the house of delegates from the date of their election and qualification until two years from and after the first day of January next ensuing; of all which thirty days' notice shall be given by publication in the Official Gazette, or by printed notices distributed and posted throughout the district, or by both, as the executive council may prescribe. At such elections all citizens of Porto Rico shall be allowed to vote who have been bona fide residents for one year and who possess the other qualifications of voters under the laws and military orders in force on the first day of March, nineteen hundred, subject to such modifications and additional qualifications and such regulations and restrictions as to registration as may be prescribed by the executive council. The house of delegates so chosen shall

Organization  
of house of del-  
egates.

Length of  
session.

Enacting  
clause of laws.

Salary, etc.,  
of members.

convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as it may require, at such time as may be designated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, "Be it enacted by the legislative assembly of Porto Rico;" and each member of the house of delegates shall



be paid for his services at the rate of five dollars per day for each day's attendance while the house is in session, and mileage at the rate of ten cents per mile for each mile necessarily traveled each way to and from each session of the legislative assembly.

All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

Existing provisions continued until changed by legislature.

SEC. 30. That the house of delegates shall be the sole judge of the elections, returns, and qualifications of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the house of delegates who is not twenty-five years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of taxable property, real or personal, situated in Porto Rico.

Powers of house of delegates.

Qualifications of members.

SEC. 31. That all bills may originate in either house, but no bill shall become a law unless it be passed in each house by a majority vote of all the members belonging to such house and be approved by the governor within ten days thereafter. If, when a bill that has been passed is

Bills; passage of, etc.

—approval.

presented to the governor for signature, he approves the same, he shall sign it, or if not he shall return it, with his objections, to that house in which it originated, which

—veto, etc.

house shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by adjournment prevent its return, in which case it shall not be a law: *Provided, however,* That all laws enacted by the legislative assembly shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same.

Proviso. Congress may annul laws.

SEC. 32. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities, so far as may be necessary, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico, or any municipality or district thereof not inconsistent with the provisions hereof:

Legislative authority; scope of.



*Proviso.*  
Grant  
of franchises.

*Provided, however, That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Porto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.*

Franchises to  
be approved by  
President.

*All railroad, street railway, telegraph and telephone franchises, privileges or concessions granted under section thirty-two of said Act shall be approved by the President of the United States, and no such franchise, privilege, or concession shall be operative until it shall have been so approved.*

—provisions re-  
quired in char-  
ters granting.

*All franchises, privileges or concessions granted under section thirty-two of said Act shall provide that the same shall be subject to amendment, alteration, or repeal; shall forbid the issue of stock or bonds, except in exchange for actual cash, or property at a fair valuation, equal in amount to the par value of the stock or bonds issued: shall forbid the declaring of stock or bond dividends; and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof and for the purchase or taking by the public authorities of their property at a fair and reasonable valuation. No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation hereafter authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable. (Joint resolution May 1, 1900.)*

Functions of  
corporations  
limited.

The judici-  
ary.

#### THE JUDICIARY.

Established  
courts contin-  
ued.

SEC. 33. That the judicial power shall be vested in the courts and tribunals of Porto Rico as already established and now in operation, including municipal courts, under and by virtue of General Orders, Numbered One hundred and eighteen, as promulgated by Brigadier-General Davis, United States Volunteers, August sixteenth, eighteen hundred and ninety-nine, and including also the police courts established by General Orders, Numbered One hundred and ninety-five, promulgated November twenty-ninth, eighteen hundred and ninety-nine, by Brigadier-General Davis, United States Volunteers, and the laws and ordinances of Porto Rico and the municipalities

thereof in force, so far as the same are not in conflict herewith, all which courts and tribunals are hereby continued. The jurisdiction of said courts and the form of procedure in them, and the various officials and attachés thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders, Numbered One hundred and eighteen and One hundred and ninety-five, until otherwise provided by law: *Provided, however,* That the chief justice and associate justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges of the district courts shall be appointed by the governor, by and with the advice and consent of the executive council, and all other officials and attachés of all the other courts shall be chosen as may be directed by the legislative assembly, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any others they may deem it advisable to establish, their organization, the number of judges and officials and attachés for each, their jurisdiction, their procedure, and all other matters affecting them.

Jurisdiction  
and procedure.

*Proviso.*  
Appointment  
of territorial  
judicial officers.

Power of legis-  
lature in regard  
to courts.

Sec. 34. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall be called the district court of the United States for Porto Rico and shall have power to appoint all necessary officials and assistants, including a clerk, an interpreter, and such commissioners as may be necessary, who shall have like power and duties as are exercised and performed by commissioners of the circuit courts of the United States.

Judicial dis-  
trict established.  
Federal judi-  
cial officers.

District court.

—officers.

—jurisdiction.

The commissioners appointed, as provided in section thirty-four of said Act approved April twelfth, nineteen hundred, shall be entitled to the fees provided for United States commissioners: *Provided, That payments of fees and expenses, heretofore made in good faith by the United States district marshal, either from funds advanced to him by the United States or by Porto Rico, may be allowed by the accounting officers of the United States or the accounting officers of Porto Rico, as the case may be, in the settlement of his accounts.* (Act Mar. 2, 1901.)

Fees United  
States commis-  
sioners.

*Proviso.*  
Payments of  
United States  
district marshal  
allowed.

And (the court) shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States, and shall proceed therein in the same manner as a circuit court.

—procedure.

The jurisdiction of the district court of the United States for Porto Rico in civil cases shall, in addition to that conferred by the Act of April twelfth, nineteen hundred, extend to and embrace controversies where the parties, or either of them, are citizens of the United States, or citizens or subjects

Jurisdiction  
of district court  
extended.



*of a foreign State or States, wherein the matter in dispute exceeds, exclusive of interest or costs, the sum or value of one thousand dollars. (Act Mar. 2, 1901.)*

—terms of court. The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the district court of the United States and the courts of Porto Rico. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at Mayaguez at such other stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language.

Proceedings to be in English.

District court expenses payable from Porto Rican revenues, etc.

—disposition of fees earned.

*Such fees and expenses as are payable by the United States, if earned or incurred in connection with a circuit or district court of the United States, shall be paid from the revenues of Porto Rico, if earned or incurred in connection with the district court of the United States for Porto Rico.*

*All such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States, if collected and paid into a circuit or district court of the United States, shall become revenues of Porto Rico, if collected and paid into the district court of the United States for Porto Rico. (Act Mar. 2, 1901.)*

Jurors' and witnesses' mileage.

*Jurors and witnesses in the United States district court of Porto Rico shall be entitled to and receive fifteen cents for each mile necessarily traveled over any stage line or by private conveyance and ten cents for each mile over any railway in going to and returning from said courts: Provided, That no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court and triable at the same term thereof. (Act Mar. 2, 1901.)*

Proviso. No double mileage fees.

Jurors in Federal courts.

*The qualifications of jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the district court of the United States for Porto Rico, but the qualifications required of jurors in said court shall be that each shall be of the age of twenty-one years and not over sixty-five years, a resident of Porto Rico for not less than one year, and having a sufficient knowledge of the English language to enable him to duly serve as a juror: Provided, That the exemption from jury duty allowed by the local law shall be respected by the court when insisted upon by veniremen: And provided further, That the juries for said court shall always be selected and drawn in accordance with the laws of Congress regulating the same in the United States courts. (Act June 25, 1906.)*

Qualifications.

Provisos. Exemptions.

Selection.

District court to succeed provisional court, etc.

*The United States district court hereby established shall be the successor to the United States provisional court established by General Orders, Numbered Eighty-*

eight, promulgated by Brigadier-General Davis, United States Volunteers, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

SEC. 35. That writs of error and appeals from the final decisions of the supreme court of Porto Rico and the district court of the United States shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States; and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an Act of Congress is brought in question and the right claimed thereunder is denied; and the supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district and circuit courts of the United States. All such proceedings in the Supreme Court of the United States shall be conducted in the English language.

Appeal to Supreme Court, U. S.

—when allowed.

Habeas corpus, etc.

SEC. 36. That the salaries of all officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of Porto Rico, as the executive council shall from time to time determine; *and in addition to the duties provided by section thirty-six of the Act of April twelfth, nineteen hundred, the executive council shall, from time to time, determine the salaries of all officials and assistants, appointed by the United States district court, including the clerk and the interpreter, which shall be paid out of the revenues of Porto Rico as other salaries and expenses of like character are paid under the provisions of said Act (Act Mar. 2, 1901): Provided, however, That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico, appointed as herein provided by the President, including deputies, assistants, and other help, shall also be paid out of the revenues of Porto Rico on the warrant of the auditor, countersigned by the governor.*

Salaries of officials.

—employees district court.

Proviso. —not to be changed during incumbency.

—payable, etc.

The annual salaries of the officials appointed by the President, and so to be paid, shall be as follows:

The governor, eight thousand dollars; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental.

Salaries of governor, secretary, etc.

The secretary, four thousand dollars.

The attorney-general, four thousand dollars.

The treasurer, five thousand dollars.

The auditor, four thousand dollars.

The commissioner of the interior, four thousand dollars.

The commissioner of education, [three] *four* thousand dollars.

(Act Mar. 2, 1901.)



The chief justice of the supreme court, five thousand dollars.

The associate justices of the supreme court (each), four thousand five hundred dollars.

The marshal of the supreme court, three thousand dollars.

The United States district judge, five thousand dollars.

The United States district attorney, four thousand dollars.

The United States district marshal, three thousand five hundred dollars.

Municipal salaries and expenses, how paid.

SEC. 37. That the provisions of the foregoing section shall not apply to the municipal officials. Their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

No export duties.  
Legislature may tax, etc.

SEC. 38. That no export duties shall be levied or collected on exports from Porto Rico; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; and where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law to provide for expenditures authorized by law, and to protect the public credit, and to reimburse the United States for any moneys which have been or may be expended out of the emergency fund of the War Department for the relief of the industrial conditions of Porto Rico caused by the hurricane of August eighth, eighteen hundred and ninety-nine: *Provided, however,* That no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed in excess of seven per centum of the aggregate tax valuation of its property.

Bond issues, etc.

*Proviso.*  
--limit.

Resident commissioner to United States.

SEC. 39. That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, anno Domini nineteen hundred, and every two years thereafter, choose a resident commissioner to the United States, who shall be entitled to official recognition as such by all Departments, upon presentation to the Department of State of a certificate of election of the governor of Porto Rico, and who shall be entitled to a salary, payable monthly by the United States, at the rate of five thousand dollars per annum: *Provided,* That no person shall be eligible to such election who is not a bona fide citizen of Porto Rico, who is not thirty years of age, and who does not read and write the English language.

*Proviso.*  
--qualifications.

*The resident commissioner from Porto Rico to the United States, provided for by section thirty-nine of the Act of April twelfth, nineteen hundred, entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall be entitled, in addition to his salary as now fixed by law, to his actual expenses in traveling to and from Porto Rico once annually, and his term of office shall commence on the fourth day of March next succeeding the date of his election; and the term of office of the present incumbent is hereby extended to the third day of March, nineteen hundred and three. (Act July 1, 1902.)*

Resident commissioner.  
Traveling expenses.

Term of office extended.

SEC. 40. That a commission, to consist of three members, at least one of whom shall be a native citizen of Porto Rico, shall be appointed by the President, by and with the advice and consent of the Senate, to compile and revise the laws of Porto Rico; also the various codes of procedure and systems of municipal government now in force, and to frame and report such legislation as may be necessary to make a simple, harmonious, and economical government, establish justice and secure its prompt and efficient administration, inaugurate a general system of education and public instruction, provide buildings and funds therefor, equalize and simplify taxation and all the methods of raising revenue, and make all other provisions that may be necessary to secure and extend the benefits of a republican form of government to all the inhabitants of Porto Rico; and all the expenses of such commissioners, including all necessary clerks and other assistants that they may employ, and a salary to each member of the commission at the rate of five thousand dollars per annum, shall be allowed and paid out of the treasury of Porto Rico as a part of the expenses of the government of Porto Rico. And said commission shall make full and final report, in both the English and Spanish languages, of all its revisions, compilations, and recommendations, with explanatory notes as to the changes and the reasons therefor, to the Congress on or before one year after the passage of this Act.

Commission to report on permanent system of government, etc.

—expenses.

—to report within a year.

SEC. 41. That this Act shall take effect and be in force from and after the first day of May, nineteen hundred.

Effect.

Approved, April 12, 1900.





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## APPENDIX,

IN WHICH ARE INCLUDED ALL ACTS, IN THEIR ENTIRETY (EXCEPT THOSE  
SIMPLY MAKING APPROPRIATIONS TO CARRY OUT EXISTING LAW),  
IN ANY WISE AFFECTING HAWAII, PORTO RICO, GUAM, AND  
TUTUILA, BEGINNING WITH THE FIFTY-SIXTH CONGRESS,  
FIRST SESSION, AND ENDING WITH THE FIFTY-  
NINTH CONGRESS, FIRST SESSION.





## HAWAII.

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[PUBLIC—No. 126.]

AN ACT To provide for officers in the customs district of Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be in the customs district of Hawaii one collector, who shall reside at Honolulu, and who shall receive a salary of four thousand dollars per annum, and such deputy collectors and other customs officers as the Secretary of the Treasury shall deem necessary.

Approved, May 26, 1900.

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[PUBLIC—No. 133.]

AN ACT To facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the Territory of Hawaii and the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of the Act of June fifth, eighteen hundred and ninety-four, entitled "An Act to facilitate the entry of steamships," are hereby extended to steamships engaged in trading between ports of Porto Rico and the Territory of Hawaii and those of the United States.

Approved, May 31, 1900.

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[PUBLIC RESOLUTION—No. 28.]

JOINT RESOLUTION Withdrawing certain lands on the island of Oahu, Hawaii, from the public domain.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following described lands lying and being situate in the city of Honolulu, Hawaiian Islands, heretofore used as a mausoleum for the royal family of Hawaii, to wit: The mausoleum premises, beginning at the north corner of said lot, on the southeast side of Nuuanu street, the same being the west corner of L. C. A. six hundred and eighty-two, to M. Kekuanaoa, as shown on government survey's registered map numbered eight hundred and thirty-eight, and running by true bearings: South forty degrees twenty minutes east three hundred and ninety-six feet along L. C. A. six hundred and eighty-two, to Kekuanaoa; south twenty-five degrees twenty-eight minutes west two hundred and fifty-



eight feet, to stone wall; north thirty-four degrees twenty-two minutes west seventy-two and nine-tenths feet, along L. C. A. ten thousand six hundred and five ap two, to Piikoi; north fifty-seven degrees fifteen minutes west one hundred and six feet along L. C. A. ten thousand six hundred and five ap two, to Piikoi; north sixty-two degrees ten minutes west two hundred and sixty-six and five-tenths feet along L. C. A. ten thousand six hundred and five ap two, to Piikoi, and L. C. A. seven hundred and eighty-five, to J. Robinson; north thirty-six degrees forty minutes east three hundred and sixty-seven feet along Nuuanu street to initial point; area, one hundred and nineteen thousand six hundred and ten square feet, be withdrawn from sale, lease, or other disposition under the public-land laws of the United States.

Approved, May 31, 1900.

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[PUBLIC—No. 176.]

AN ACT To amend section fifty-one hundred and fifty-three of the Revised Statutes of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section fifty-one hundred and fifty-three of the Revised Statutes of the United States be amended to read as follows:

“SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks.”

Approved, March 3, 1901.

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[PUBLIC—No. 163.]

AN ACT To provide for subports of entry and delivery in the Territory of Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That such places in the customs district of the Territory of Hawaii as the Secretary of

the Treasury may from time to time designate shall be subports of entry and delivery, and customs officers shall be stationed at such subports with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require: *Provided, however,* That the Secretary of the Treasury be, and he is hereby, authorized and empowered to discontinue such subports of entry or delivery whenever in his judgment there is necessity for such action.

Approved, March 3, 1901.

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[PUBLIC—No. 118.]

AN ACT To apportion the term of office of senators elected at the first general election in the Territory of Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the several senators elected in the First, Second, Third, and Fourth senatorial districts at the first general election held in the Territory of Hawaii shall, except as hereinafter provided, each hold office for the term of four years from the date of such election.

SEC. 2. That for the First senatorial district N. Russell and J. D. Paris shall each hold office as a senator for such district for the term of two years.

That for the Second senatorial district William White shall hold office as a senator for such district for the term of two years.

That for the Third senatorial district D. Kanuha, George R. Carter, and William C. Achi shall each hold office as a senator for such district for the term of two years.

That for the Fourth senatorial district I. H. Kahilina shall hold office as a senator for such district for the term of two years.

Approved, May 19, 1902.

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[PUBLIC—No. 25.]

AN ACT Relating to Hawaiian silver coinage and silver certificates.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the silver coins that were coined under the laws of Hawaii, when the same are not mutilated or abraded below the standard of circulation, shall be received at the par of their face value in payment of all dues to the government of the Territory of Hawaii and of the United States, and the same shall not again be put into circulation, but they shall be recoined in the mints as United States coins.

SEC. 2. That when such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of not less than five hundred dollars, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States.

SEC. 3. That any collector of customs or of internal revenue of the United States in the Hawaiian Islands shall, if he is so directed by



the Secretary of the Treasury, exchange standard silver coins of the United States that are in his custody as such collector with the government of Hawaii, or with any person desiring to make such exchange, for coins of the government of Hawaii, at their face value when the same are not abraded below the lawful standard of circulation, and the Treasurer of the United States, under the direction of the Secretary of the Treasury, is authorized to deposit such silver coins of the United States as shall be necessary with the collector of customs or of internal revenue at Honolulu or at any Government depository for the purpose of making such exchange under such regulations as he may prescribe.

SEC. 4. That any silver coins struck by the government of Hawaii that are mutilated or abraded below such standard may be presented for recoinage at any mint in the United States by the person owning the same, or his or her agents, in sums of not less than fifty dollars, and such owner shall be paid for such coins by the superintendent of the mint the bullion value per troy ounce of the fine silver they contain in standard silver coin of the United States, and such bullion shall be coined into subsidiary coinage of the United States.

SEC. 5. That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii, in accordance with the laws of the Republic of Hawaii, until the first day of January, nineteen hundred and four, and not afterwards.

SEC. 6. That any silver certificates heretofore issued by the government of the Hawaiian Islands, intended to be circulated as money, shall be redeemed by the Territorial government of Hawaii on or before the first day of January, nineteen hundred and five, and after said date it shall be unlawful to circulate the same as money.

SEC. 7. That nothing in this Act contained shall bind the United States to redeem any silver certificates issued by the government of Hawaii, or any silver coin issued by such government, except in the manner and upon the conditions stated in this Act for the recoinage of Hawaiian silver.

SEC. 8. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, for the payment of the expenses of transporting said coins from the Hawaiian Islands to the mint at San Francisco, and a return of a like amount in the subsidiary coins of the United States to the Hawaiian Islands.

Approved, January 14, 1903.

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[PUBLIC—No. 35.]

AN ACT To pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in eighteen hundred and ninety-nine and nineteen hundred, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one million dollars is hereby appropriated, out of any money in the Treas-*



ury not otherwise appropriated, to pay in part the judgments rendered under an act of the legislative assembly of the Territory of Hawaii by the fire claims commission of that Territory for property destroyed in the suppression of the bubonic plague in said Territory in the years eighteen hundred and ninety-nine and nineteen hundred.

SEC. 2. That the governor and secretary of said Territory are hereby authorized to issue the bonds of that Territory in such sum, not exceeding five hundred thousand dollars, as, together with the money hereby appropriated, may be sufficient to pay all of said judgments. Said bonds shall be payable in gold coin of the United States of America of the present standard weight and fineness, shall bear interest at the rate of four per centum per annum, payable semi-annually, and be redeemable in not less than five years and payable in not more than fifteen years from the date of issuance. The principal and interest of all bonds shall be exempt from any and all taxes, and the payment thereof shall constitute a charge on the revenues of the Territory of Hawaii. Said bonds shall be sold at not less than their face value, and the proceeds thereof shall be applied to the payment of the judgments aforesaid and to no other purpose, and they shall be of such form and denominations and be issued and sold under such rules and regulations as the Secretary of the Interior shall prescribe.

SEC. 3. That under no circumstances shall any such judgment claimant, or anyone claiming through him, be required to pay, nor shall any attorney or agent be entitled to charge, demand, or receive, directly or indirectly, more than ten per centum upon the amount recovered as compensation for services or labor of any kind or character in the prosecution or establishment of the claim, and in cases of contracts or agreements providing for payment of less than ten per centum the payment shall not be increased above the percentage so agreed upon. Before any such judgment shall be paid hereunder the governor of said Territory must certify that the same is genuine and was duly rendered in pursuance of the act of the legislative assembly of the Territory; and the payment of said judgments shall be in full satisfaction and discharge of any and all claims or demands against said Territory or the United States on account of any property destroyed in the said suppression of the bubonic plague.

SEC. 4. That this Act shall take effect from and after its passage.

Approved, January 26, 1903.

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[PUBLIC—No. 93.]

AN ACT To amend section seventy-six of an Act entitled "An Act to provide a government for the Territory of Hawaii."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section seventy-six of an Act entitled "An Act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, be, and the same is hereby, amended to read as follows:

SEC. 76. That there shall be a superintendent of public instruction, who shall have the powers and perform the duties conferred upon

and required of the minister of public instruction by the laws of Hawaii as amended by the Act, and subject to modification by the legislature.

“It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in reports in nineteen hundred and five, and every five years thereafter, statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may by law direct. The said Commissioner is especially charged to ascertain the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress.”

Approved, April 8, 1904.

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[PUBLIC—No. 128.]

AN ACT To ratify, approve, confirm, and amend an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the manufacture, distribution, and supply of electric light and power on the island of Oahu, Territory of Hawaii.

Whereas the legislature of the Territory of Hawaii did, by an act duly passed at the nineteen hundred and three session thereof, grant to the Hawaiian Electric Company, Limited, a special franchise and special privileges for the purpose of maintaining and operating an electric light and power system on the island and Territory aforesaid; and

Whereas the governor of said Territory did approve said act on the twenty-eighth day of April, nineteen hundred and three; and

Whereas the Act to provide a government for the Territory of Hawaii, duly passed by the Congress of the United States on the twenty-seventh day of April, nineteen hundred, and approved on the thirtieth day of April, nineteen hundred, provides that the legislature of the Territory of Hawaii shall not grant to any corporation, association, or individual any special privilege or franchise without the approval of the Congress of the United States: Now, therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress of the United States of America does hereby ratify, approve, confirm, and amend that certain act, duly enacted by the legislature of the Territory of Hawaii at the nineteen hundred and three session thereof, known and designated as Act Numbered Forty-eight of the laws of the Territory of Hawaii, session of nineteen hundred and three, the said act last mentioned being an act entitled “An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power on the island of Oahu, Territory of Hawaii,” and that the said act last mentioned be modified, and as so modified is hereby ratified, approved, and confirmed, so as to read as follows:



## "ACT NUMBERED FORTY-EIGHT.

"An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power in the district of Honolulu, island of Oahu, Territory of Hawaii.

"Whereas, pursuant to a franchise granted by the government of the Hawaiian Islands, the Hawaiian Electric Company, Limited, has constructed and developed an electric light and power system on the island of Oahu, Territory of Hawaii; and

"Whereas said company is at the present time supplying light and power to the inhabitants of the said district of Honolulu, island of Oahu; and

"Whereas said franchise expires on the third day of May, nineteen hundred and three: Now, therefore,

"Be it enacted by the legislature of the Territory of Hawaii:

## "DEFINITIONS.

"SECTION 1. The following words and phrases, wherever they are used or appear in this act, shall, unless the same be clearly inconsistent with the context, be construed to mean and be held to have the force and effect as follows:

"(a) 'The 'company' shall mean, include, and represent the Hawaiian Electric Company, Limited, and its successors and assigns.

"(b) 'Honolulu,' or 'district of Honolulu,' shall refer to, include, and mean all that portion of the island of Oahu included in the taxation, educational, and judicial district now defined by law as 'Honolulu district,' or the 'district of Honolulu.'

"SEC. 2. The right is hereby granted to the Hawaiian Electric Company, Limited, as a body corporate under that or such other name as the said company may hereafter adopt, and its successors and assigns, to manufacture, sell, furnish, and supply electric light, electric current, or electric power in the district of Honolulu, on the island of Oahu, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which it or they may deem advisable, and from time to time, for the purposes above mentioned, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Honolulu, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamp, lamp-posts, or other structure or object with the place of supply.

## "BUILDINGS AND STATIONS.

"SEC. 3. Said company shall also have the right to maintain and operate its present light and power station on the corner of Halekauwila and Alakea streets, in said Honolulu, and also to construct, maintain, and operate, at such points as may from time to time be necessary, light and power stations or houses, or such other buildings and structures as may be necessary and proper, and to use machinery therein for the purposes of the company.



“METERS, RATES, AND CHARGES.

“SEC. 4. Said company shall also have the right to maintain, operate, and use electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and said company shall also have the right to charge, receive, and collect from all consumers of electricity such reasonable prices as may from time to time be fixed and determined by the company, but such charge shall not at any time exceed seventeen cents per kilowatt hour or one thousand watt hours: *Provided, however,* That the company shall have the right to charge, receive, and collect from each consumer of electricity for lighting the sum of two dollars per month, and from each consumer of electricity for power the sum of one dollar per month per horsepower of apparatus connected to the service of the company: *Provided,* That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer or the company to hear and determine from time to time what rate or rates are reasonable, and to enforce the same by appropriate judgment or decree.

“CONNECTIONS.

“SEC. 5. Said company shall also have the right to charge consumers, or applicants for the use of electricity, for one-half of the cost and expense of making connections between the company's main lines and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators, and other materials, and labor necessary to be used in making such connections: *Provided, however,* That the company shall not be required to make, construct, or maintain said connections as aforesaid for supplying light or power unless the applicant or applicants for such light or power, if required, shall deposit in advance with the company a sum of money sufficient to pay one-half of the cost and expense of making and constructing such connections and for current for the period of one month.

“SEC. 6. The company shall not be required to extend, construct, or maintain its main lines beyond a distance of three hundred feet unless there be an applicant for each three hundred feet of extension or fraction thereof, and unless each applicant shall, in addition to the other requirements in this act provided, agree to take, install, and maintain five sixteen-candlepower lights or one horsepower of power apparatus for not less than one year: *Provided, however,* That if the company is unable to furnish power or light applied for by reason of lack of capacity of the apparatus for producing electricity, the company shall be allowed a reasonable time, not to exceed nine months from the date of any application, to procure such additional apparatus as may be necessary to furnish such applicant.

“SUPPLY OF ELECTRICITY.

“SEC. 7. The company shall have the right to discontinue or cut off the supply of electricity to any consumer who shall refuse or fail to pay the amount due for electricity supplied by said company within

such reasonable time as said company may fix for the payment of the same, and such discontinuance of service or supply of electricity shall not prejudice the right of the company to any remedies now or which may hereafter be authorized by law for the recovery and collection of said amount.

“RULES AND REGULATIONS.

“SEC. 8. The superintendent of public works is hereby authorized to make, and from time to time to change, amend, or add to, reasonable rules regulating the placing of poles and wires, and the insulation of wires and apparatus carrying the electric current, and the maintenance in good repair of all poles, wires, and apparatus, and generally concerning the manufacture and supply of electricity, which may be necessary or proper for the public safety and welfare.

“No person, firm, or corporation shall be allowed to place or maintain poles or wires along, upon, or across any public street except such as are authorized by the superintendent of public works. Any person violating this provision last above mentioned shall, upon conviction, be deemed guilty of a misdemeanor and be punished by a fine of not exceeding fifty dollars or by imprisonment not exceeding three months. The superintendent of public works may at any time cause such poles or wires to be removed at the expense of the person, firm, or corporation placing them or causing them to be placed in such position.

“If at any time the company, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinbefore provided for, relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and apparatus, the superintendent of public works shall, after giving the company reasonable notice thereof in writing of his intention so to do, proceed to remedy such failure, and the cost of such repairs or changes may be recovered from the company by the Territory.

“SUPERVISION.

“SEC. 9. The entire plant, operation, books, and accounts of the company shall at all times be subject to the inspection of the superintendent of public works or other officer appointed by him for that purpose.

“PAYMENTS TO THE GOVERNMENT.

“SEC. 10. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company, and shall at the same time pay to the superintendent of public works two and one-half per centum of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

“PURCHASE OR LEASE.

“SEC. 11. The said company shall have the right to acquire, hold, or take over, either by purchase or lease, property, both real, personal, or mixed, and such other property as may be necessary or incidental



to the proper conduct of its business; said company shall, however, not have the right to purchase franchises and property of whatever nature of another company of like nature.

“BORROWING OF MONEY AND ISSUANCE OF BONDS.

“SEC. 12. The said company, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the company, shall have the power to borrow money and to secure the payment thereof, with the interest agreed upon, by mortgage of all or any portion of the property, and the franchises and privileges granted or obtained by virtue of this act, or if it be deemed advisable, bonds may be issued, secured by a deed of trust of such property as aforesaid, not to exceed sixty per centum of the actual value thereof, together with all future acquired property, as well as the income and receipts of the property from whatever source derived, and in such form and under such terms as said company may deem advisable: *Provided*, That nothing in this section contained shall operate to prevent said company from obtaining the usual business credits and to make promissory notes without security.

“PENALTIES.

“SEC. 13. Whenever said company refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the superintendent of public works to comply therewith, the said superintendent of public works shall, with the consent of the governor and the attorney-general, cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act and all rights and privileges granted thereunder forfeited and declared null and void.

“SEC. 14. Any person who shall willfully or intentionally injure, molest, or destroy any of the poles, lines, wires, meters, or other appliances, or the material or property belonging thereto, or shall without permission or authority of the company connect or cause to be connected by poles and wires, or by any device, with the wires, cables, or conductors of the company, for the purpose of obtaining electric current for light, heat, or power, or whoever shall, without such permission or authority, cut or cause to be cut wires or other devices connected with any meter or meters erected or set up for the purpose of registering or recording the amount of electric current supplied to any consumer by the company, or change or shunt the wiring leading to or from any such meter, or by any device, appliance, or means whatsoever, tamper with any such meter in such manner that such meter or meters will not measure or record the amount of electric current supplied to any consumer by the company, shall be guilty of a misdemeanor, and upon conviction thereof in the district court of Honolulu, or other court having jurisdiction thereof, shall be punished by a fine not exceeding one hundred dollars or by imprisonment with hard labor not exceeding six months: *Provided, however*, That nothing herein contained shall be deemed to affect the right of the company to recover by action at law damages for any injury done by such unlawful action.



“GRANT NOT EXCLUSIVE.

“SEC. 15. It is hereby expressly provided that nothing herein contained shall be so construed as to grant to the company the exclusive right to furnish, sell, or supply electric light or power.

“SEC. 16. This act shall take effect and become law from and after the date of its approval.

“Approved this 28th day of April, A. D. 1903.

“SANFORD B. DOLE,  
“Governor of the Territory of Hawaii.”

SEC. 2. That Congress or the legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

Approved, April 21, 1904.

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[PUBLIC—No. 129.]

AN ACT To ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the maintenance and supply of fuel and illuminating gas and its by-products in Honolulu.

Whereas the legislature of the Territory of Hawaii did, by an act duly passed at the nineteen hundred and three session thereof, authorize W. W. Dimond, his associates, successors, and assigns, to manufacture and supply fuel and illuminating gas and its by-products in Honolulu; and

Whereas the governor of said Territory did approve said act on the fifteenth day of April, nineteen hundred and three; and

Whereas the Act of Congress to provide a government for the Territory of Hawaii, approved April thirtieth, nineteen hundred, provides that the legislature of the Territory of Hawaii shall not grant to any corporation, association, or individual any special privilege or franchise without the approval of the Congress of the United States: Now, therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of the legislature of the Territory of Hawaii entitled “An act to authorize W. W. Dimond, his associates, successors, and assigns to manufacture and supply fuel and illuminating gas and its by-products in Honolulu,” approved by the governor of the Territory April fifteenth, nineteen hundred and three, be, modified, and as so modified is hereby, ratified, approved, and confirmed, and amended so as to read as follows, to wit:

“ACT NUMBERED THIRTY.

“An act to authorize W. W. Dimond, his associates, successors, and assigns to manufacture and supply fuel and illuminating gas and its by-products in Honolulu.

*“Be it enacted by the legislature of the Territory of Hawaii, Section 1:* That W. W. Dimond, of Honolulu, island of Oahu, Territory of Hawaii, his associates, successors, and assigns, or such corporation

as he or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as W. W. Dimond), are hereby authorized and empowered to manufacture and supply gas for use as a fuel, for illuminating purposes, and otherwise, in Honolulu, which, for the purpose of this act, shall be held to include all of that portion of the island of Oahu extending from the westerly limits of Moanalua to the southeastern extremity of said island, and lying to the southwest of the Konahuanui range of mountains on said island.

“SEC. 2. Said W. W. Dimond shall have the right to erect and maintain at such places, within the limits mentioned in section one, as the superintendent of public works shall approve, such buildings, machinery, and appurtenances as may be necessary for the production, manufacture, and storage of such gas, together with its various by-products, as may be required from time to time during the existence of the rights hereby granted.

“SEC. 3. Said W. W. Dimond, for the purpose of distributing such gas for use as by this act authorized, shall have the right from time to time to lay pipes or other conduits for such distribution, in or under the streets, roads, and places in the said district; and whenever supply pipes and mains shall be laid in any block, connections shall be made and pipes shall be laid from said main to the curb line of the street for the purpose of supplying gas to the property holders adjoining such street, and each of such connections shall be provided with stopcocks inside of such curb line: *Provided*, That nothing herein shall prevent the laying down of additional branches or connections at any time when future requirements render the same necessary. But the methods by which such streets, roads, and places are to be used shall be subject to prior consent and approval of the superintendent of public works, and all instructions and directions made by him shall be strictly followed, to the end that the general public shall be inconvenienced as little as possible; and provided, likewise, that whenever any street, road, or other place shall be excavated and holes or trenches made therein for laying, maintaining, replacing or repairing such pipes, conduits, or connections, such holes or trenches shall be safeguarded and refilled as soon as possible, and the pavement, if any, and such street, road, or place shall be replaced in good order and condition: *Provided*, That if such repair or restoration shall not be made to the satisfaction of the superintendent of public works within a reasonable time, whereof he shall be judge, he may cause it to be done at the expense of the said W. W. Dimond.

“SEC. 4. Said W. W. Dimond shall also have the right to erect and maintain lamp-posts or other appliances for lighting streets, roads, or other places, and of connecting the same with the supply pipes: *Provided*, That such use of said streets, roads, or other places shall first be approved by said superintendent of public works: *And provided further*, That if said W. W. Dimond shall manufacture and supply illuminating gas, as well as gas for fuel, and shall erect lamp-posts as aforesaid, he shall, on requisition of the superintendent of public works, furnish free of cost gas for fifty street lights, and thereafter shall each year furnish five more in addition to the number furnished the preceding year.

“SEC. 5. Said W. W. Dimond shall also have the right to maintain and use gas meters or other means for measuring the amount of gas



used from time to time and in such places as may be deemed necessary, and to operate the same for all purposes connected with the use of such gas, and shall also have the right to charge, receive, and collect from all consumers of gas such reasonable prices as he or such persons or corporations may from time to time fix and determine, but not at any time to exceed two dollars and twenty-five cents per thousand cubic feet, with a discount of ten per cent on all payments made within ten days after due and demanded, and shall also have the right to charge consumers or intended consumers of gas for the cost and expense of making connections between the mains and premises where such gas is to be used, and may include also the price for all connecting pipe, gas fixtures, and other material necessary: *Provided*, That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer or the said W. W. Dimond, his associates, successors, or assigns, or of such corporation to hear and determine from time to time what rate or rates are reasonable, and to enforce the same by appropriate judgment or decree.

“SEC. 6. Said W. W. Dimond shall also have the right to cut off the supply of gas from any consumer who shall refuse or fail to pay amounts due for gas so supplied by the said W. W. Dimond, within such reasonable time as may be fixed for payment of the same; but such cutting off shall not prevent the said W. W. Dimond from using any remedies now or which may hereafter be authorized by law for collecting debts.

“SEC. 7. Said W. W. Dimond may erect and construct all buildings, machinery, and other appurtenances necessary to the operation of the rights hereby granted, and may maintain and operate the plant necessary to the enjoyment of the rights hereby granted, either personally or in connection with others as partners; or the rights, powers, and authorities hereby granted may be assigned to other persons, or to a corporation to be by him or them incorporated under the laws of the Territory of Hawaii, but in all cases, by whomsoever the rights, powers, and authorities hereby granted shall be exercised, such exercise and operation shall be in such manner as to cause the least inconvenience to the public, and he or they shall, in such use, provide fuel and illuminating gas of the best quality obtainable, which quality shall be subject to the control of such reasonable rules and regulations as the superintendent of public works shall from time to time deem necessary for the protection of the public, and the buildings and machinery, with all appurtenances, to be erected, and general plant to be maintained in connection therewith, together with the offices, books, and accounts of the said persons or corporation shall be open to examination and inspection at all times by the superintendent of public works or his agent duly authorized for that purpose.

“SEC. 8. It is further provided that the rights hereby granted shall cease and determine, if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing or supplying such gas, or by laying pipes or other conduits in any of such streets, roads, or places within one year from and after the passage of this act, or within one year after the franchise hereby granted shall be approved by the Congress of the United States, should such approval be deemed necessary to the legality hereof; and also that such works shall be in operation and gas shall be supplied for the purpose of this act within two years after such work has been

so commenced: *Provided*, That the rights hereby granted shall not be considered exclusive.

“SEC. 9. On the first day of July of each year there shall be payable to the treasurer of the Territory of Hawaii, for and on behalf of such Territory, two and one-half per centum of the gross receipts of said W. W. Dimond for all gas furnished to consumers under the terms of this act.

“SEC. 10. This act shall take effect from and after the date of its approval.

“Approved this 15th day of April, 1903.

“SANFORD B. DOLE,  
“Governor of the Territory of Hawaii.”

SEC. 2. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal said Act.

Approved, April 21, 1904.

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[PUBLIC—No. 262.]

AN ACT To ratify and confirm the present right of way of the Oahu Railway and Land Company through the military reservation of Kahauiki, Territory of Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the deeds from the authorities of Hawaii, dated the twenty-ninth day of April, nineteen hundred and three, and the fourth day of February, eighteen hundred and ninety-nine, respectively, to the Oahu Railway and Land Company, conveying a right of way forty feet wide for a railway of said company through the military reservation of Kahauiki, district of Kona, Oahu, Hawaiian Islands, be, and the same are hereby, ratified and confirmed.

Approved, April 28, 1904.

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[PUBLIC—No. 176.]

AN ACT To provide for the investigation of leprosy, with special reference to the care and treatment of lepers in Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when the Territorial government of Hawaii shall cede to the United States in perpetuity a suitable tract of land one mile square, more or less, on the leper reservation at Molokai, Hawaii, there shall be established thereon a hospital station and laboratory of the Public Health and Marine-Hospital Service of the United States for the study of the methods of transmission, cause, and treatment of leprosy.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to cause the erection upon such site of suitable and necessary buildings for the purposes of this Act, at a cost not to exceed the sum herein appropriated for such purpose.



SEC. 3. That for the purposes of this Act the Surgeon-General, through his accredited agent, is authorized to receive at such station such patients afflicted with leprosy as may be committed to his care under legal authorization of the Territory of Hawaii, not to exceed forty in number to be under treatment at any time, said patients to remain under the jurisdiction of the said Surgeon-General, or his agent, until returned to the proper authorities of Hawaii.

SEC. 4. That the Surgeon-General of the Public Health and Marine-Hospital Service of the United States is authorized to detail or appoint, for the purposes of these investigations and treatment, such medical officers, acting assistant surgeons, pharmacists, and employees as may be necessary for said purpose.

SEC. 5. That the sum of one hundred thousand dollars is hereby appropriated, from any money in the Treasury not otherwise appropriated, for the erection of necessary buildings and other equipment; and fifty thousand dollars, or so much thereof as may be necessary, for maintenance and pay of all officers and employees during the fiscal year ending June thirtieth, nineteen hundred and six.

SEC. 6. That the Surgeon-General of the Public Health and Marine-Hospital Service shall, subject to the approval of the Secretary of the Treasury, make and adopt regulations for the administration and government of the hospital station and laboratory and for the management and treatment of all patients of such hospital.

SEC. 7. That when any commissioned or noncommissioned officer of the Public Health and Marine-Hospital Service is detailed for duty at the leprosarium herein provided for, he shall receive, in addition to the pay and allowances of his grade, one-half the pay of said grade and such allowances as may be provided for by the Surgeon-General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury.

Approved, March 3, 1905.

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[PUBLIC—No. 198.]

AN ACT To amend sections fifty-six, eighty, and eighty-six of "An Act to provide a government for the Territory of Hawaii," [approved April thirtieth, nineteen hundred.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section fifty-six of an Act of the Congress of the United States of America entitled "An Act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, be, and the same is hereby, amended by the addition of the following: "and all officials thereof shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislature of the Territory."

SEC. 2. That section eighty of the aforesaid Act is hereby amended by the addition of the following: "*Provided, however,* That nothing in this section shall be construed to conflict with the authority and powers conferred by section fifty-six of this Act as herein amended."

SEC. 3. That section eighty-six of the aforesaid Act be amended by adding the following at the end of said section: "*Provided,* That writs of error and appeals may also be taken from the supreme court

of the Territory of Hawaii to the Supreme Court of the United States in all cases where the amount involved, exclusive of costs, exceeds the sum or value of five thousand dollars."

SEC. 4. That this Act shall take effect and be in force from and after its passage.

Approved, March 3, 1905.

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[PUBLIC—No. 183.]

AN ACT To provide for the disposition of certain property in the Territory of Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all personal and movable property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation approved July seventh, eighteen hundred and ninety-eight, may be sold, leased, or otherwise disposed of in such manner as may be provided by the laws of the Territory of Hawaii: *Provided,* That all sales, leases, or other disposals of such property heretofore made by said Territory, under the authority of such laws, are hereby ratified and confirmed, and all moneys or revenues derived from sales or disposals heretofore made, or made under authority of this Act, shall remain the property of said Territory.

Approved, May 26, 1906.

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[PUBLIC—No. 245.]

AN ACT Providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all of the public land contained in block C, situated in the city of Hilo, island and Territory of Hawaii, be, and the same is hereby, set apart and declared to be a Government reservation and site for a Federal building or buildings, the same being more particularly described as the area contained in the following lines, to wit: Beginning at the west corner of Waianuenue and Bridge streets, the coordinates of which point are three thousand three hundred and seventy-three and one one-hundredth feet north and two thousand nine hundred and eleven and eighty-one one-hundredths feet east of Halai trigonometrical station, and running by true azimuths fifty-six degrees forty-eight minutes three hundred and ninety-six and sixty-two one-hundredths feet along Waianuenue street; one hundred and forty-eight degrees fifty-five minutes three hundred and thirty feet along Pitman street; two hundred and thirty-one degrees four hundred and seventeen one-hundredths feet along Wailuku street; three hundred and twenty-eight degrees fifty-five minutes three hundred and seventy and forty-seven one-hundredths feet along Bridge street to the point of beginning, and containing three and nineteen one-hundredths acres, excepting therefrom so much of said tract as has been deeded to the Hilo



Masonic Association of the Territory of Hawaii: *Provided*, That the superintendent of public works of the Territory of Hawaii is hereby authorized and directed to sell or otherwise dispose of whatever buildings are now located on the above-described reservation, in such manner as he may find most advantageous, such sale and removal to be made as rapidly as the existing leases on said ground expire, and the proceeds thereof to be applied by the superintendent of public works to the parking and general improvement of said Federal building site.

Approved, June 19, 1906.

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[PUBLIC—No. 249.]

AN ACT To ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

Whereas the legislature of the Territory of Hawaii did, by an act duly passed at the nineteen hundred and five session thereof, authorize the Standard Telephone Company (Limited) to construct, maintain, and operate a telephone system on the island of Oahu, Territory of Hawaii, and which said act was approved by the governor of said Territory on the twenty-sixth day of April, nineteen hundred and five; and

Whereas the Act of Congress to provide a government for the Territory of Hawaii, approved April thirtieth, nineteen hundred, provides that the legislature of the Territory of Hawaii shall not grant to any corporation, association, or individual any special privilege or franchise without the approval of the Congress of the United States: Now, therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited)," approved by the governor of the Territory April twenty-sixth, nineteen hundred and five, be, and is hereby, amended, and, as amended, is hereby ratified, approved, and confirmed, as follows, to wit:

"ACT 66.

"AN ACT

"To authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited).

*"Be it enacted by the legislature of the Territory of Hawaii:*

"SECTION 1. The right is hereby granted to the Standard Telephone Company (Limited), a corporation organized under the laws of the Territory of Hawaii, to construct, operate, and maintain, for the term of twenty-five years from the date of the approval of this

act, a telephone and electrical communicative system, aerial, underground, or subaqueous, in, upon, along, and under the highways and public roads of the said island of Oahu, and under the lands and waters of said island.

"SEC. 2. The said telephone system shall be operated by underground wires within a radius of one-half mile, starting from the north corner of Fort and King streets, and beyond said limits by such means or methods as may be adopted by said company from time to time, with the approval of the superintendent of public works, or any other official or board having control of the streets and roads where said wires are located, which said officials or boards may, after nineteen hundred and twelve, at any time that the public interests require it, direct any changes in the method of placing or using said wires that have been or may thereafter be put up or laid that they shall determine to be proper and necessary.

"SEC. 3. If the Standard Telephone Company (Limited) shall at any time acquire, by lease or otherwise, the rights, franchises, and property of any person or corporation operating a telephone system on the island of Oahu, all of the rights, privileges, powers, and authority by this act conferred with reference to the occupation of streets, lands, and waters, maintenance and operation of telephone companies, and also all other powers so conferred, are hereby authorized in the maintenance and use of the property so acquired. All franchises thus acquired shall be subject to all the conditions and limitations of this act.

"SEC. 4. All underground wires shall be in conduits not less than two feet beneath the surface of the street, which surface shall be securely supported so as not to impair the use and enjoyment of said streets by the public, and all trenches in which conduits are placed, as well as the manholes connected with the system, shall be constructed in a substantial and workmanlike manner.

"SEC. 5. The said Standard Telephone Company, before laying its conduits or otherwise disturbing any of the streets or roads of the island of Oahu, shall ascertain the lawful grade of such streets or roads from the superintendent of public works or other officials or boards having charge of said streets or roads, who shall furnish the required information within a reasonable time.

"The conduits or other equipment of the said company which affect the surface of the public streets or roads shall conform to the grades of said streets or roads on which they are laid down, as furnished by the superintendent of public works or other officials or boards having charge of said streets or roads, and the said Standard Telephone Company shall not in any way change or alter the same without the written consent of the said authorities. And the Territory of Hawaii reserves further the right to change and alter the line and grades of its streets at any time, and the said Standard Telephone Company shall, at their own cost, within sixty days conform to such new lines and grades in reconstructing its surface equipment or conduits upon receiving notice in writing from the superintendent of public works or other officials or boards having charge of said streets or roads, and such changes shall be made subject to the approval of the said officials. And in all cases of street improvements by the Territory, county, or municipality, the said Standard Tele-



phone Company shall conform to all such improvements as directed by the superintendent of public works or other officials or boards having charge of said streets or roads. In case of neglect by said Standard Telephone Company to make such repairs, changes, or improvements required of it by this section, they shall be made by the Territory, county, or municipality which maintains said streets or roads, and the cost of such repairs, changes, and improvements shall be recovered from the said Standard Telephone Company.

"SEC. 6. The said Standard Telephone Company (Limited) shall erect and maintain its poles and lines so as not to unnecessarily interfere with the public use of the streets, alleys, lanes, and highways, and wherever its lines are laid underground shall cause all excavations to be immediately filled upon the completion of such work, and the streets, alleys, lanes, and highways restored to the condition in which they were before such excavations were made.

"SEC. 7. The said Standard Telephone Company (Limited) shall have the right at all times to construct and repair its underground or overhead wires or appliances by them required in the construction, equipment, operation, and maintenance of said telephone system, and to lay, maintain, and operate such additional underground or overhead wires as the business of the said Standard Telephone Company (Limited) may require.

"SEC. 8. The said Standard Telephone Company (Limited) shall from time to time make such rules and regulations for the government of its affairs, not inconsistent with the laws of the Territory of Hawaii, as will protect it from loss, misuse of its instruments, or abuse of its service.

"SEC. 9. Any person willfully and maliciously doing any of the following acts, to wit: Obstructing the free communication of intelligence, message, conversation, or tapping the lines of the said Standard Telephone Company (Limited); defacing, marring, or injuring the poles, wires, or other appliances used in operating, using the poles, fences, houses, or other property, without consent, for advertising purposes, or in any other manner inflicting injury to the property, or causing annoyance and embarrassment in the enjoyment of its property, rights, or franchises to the said Standard Telephone Company (Limited) shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding a term of three months, or, upon a second or further conviction, by both such fine and imprisonment.

"SEC. 10. Whenever it shall be deemed necessary that the rights of way over private property should be taken by the said Standard Telephone Company (Limited) and the same can not be acquired by purchase for a reasonable or fair compensation, the said Standard Telephone Company (Limited) is hereby authorized and empowered to take such places or property to the extent only of the actual amount necessary for the said right of way in the manner hereinafter provided: *Provided, however,* That this act shall not be construed to allow the said Standard Telephone Company to condemn the equipment of any other electric or telephone company.

"SEC. 11. If the person, persons, association or corporation owning such property does not consent and agree to the use required, and to the compensation offered therefor, the said Standard Telephone

Company (Limited) may institute condemnation proceedings in the circuit court of the first circuit of the Territory of Hawaii, which is hereby empowered to hear and determine such condemnation proceedings.

“SEC. 12. The said Standard Telephone Company (Limited) shall have the right to take over, either by purchase or lease, any or all of the property, real or personal, rights, privileges, and franchises, of any other telephone company, and shall have, when so acquired, and may exercise all the rights, powers, privileges, and franchises of such company, whether the same be derived by charter, by municipal authority, by act of the legislature of the Territory of Hawaii, or by the United States Congress. All franchises and property thus acquired shall be subject to all the conditions and limitations of this act.

“SEC. 13. The said Standard Telephone Company (Limited), whenever from time to time it shall be deemed expedient in furtherance of the objects by this act authorized, shall have the power to borrow money and to secure the payment thereof with interest agreed upon by mortgages of all or any portion of its property, which may include the franchise, and any such mortgages may be issued, if it be deemed advisable, in the form of mortgage bonds; such mortgages or trust deeds may, in addition to the property named above, cover also any property or property rights to be acquired after their several dates, as well as the income and receipts of the property from whatever source derived. Such mortgages and trust deeds may also contain such provisions as the said Standard Telephone Company (Limited) may deem advisable and proper for the protection of all concerned, relative to payment of interest and principal, possession and operation of said telephone system or other property, default, remedies, foreclosures, powers of mortgagees or trustees in the matter, and all and every other matter which may be deemed wise and proper to insert therein.

“SEC. 14. The said Standard Telephone Company (Limited) shall pay to the government of the Territory of Hawaii a tax of two and one-half per centum of its gross receipts from and after the expiration of two years from the date of the approval of this act by the Congress of the United States. Such payments shall be made quarterly.

“SEC. 15. In case of purchase, lease, or acquirement of the property of any other telephone company, as provided in sections three and twelve of this act, by the Standard Telephone Company, then and in that case the tax provided for under section fourteen of this act shall be paid to the Territory from the date of such purchase, lease, or acquirement.

“SEC. 16. Such portion of the general telephone system required for a general public service as is to be operated in underground conduits, and within one-half mile radius of the point designated in section two of this act, shall be completed and in operation within two years from the date that this act is approved by the Congress of the United States; and if the said Standard Telephone Company, or any other person or corporation claiming under this act, shall fail to comply with the provisions of time limitation as expressed in this section, then and in that case all rights under this act shall be forfeited, and the privileges hereby granted shall forthwith cease and determine.



“SEC. 17. Any person using the telephone instruments of the Standard Telephone Company shall be liable to pay for the use of such instruments at the following rates, namely:

“(a) Residences situated at such distances from the central office of the company as to require not more than five miles of constructed line, not more than two dollars and fifty cents per month;

“(b) Places of business situated at such distances from the central office of the company as to require not more than five miles of constructed line, not more than four dollars per month;

“(c) For instruments at places situated at such distances from the central office of the company requiring more than five miles of constructed line, not more than six dollars and twenty-five cents per month:

*Provided, however,* That nothing in this section contained shall prohibit the making of any special contract for any special service.

“SEC. 18. The said Standard Telephone Company shall during the existence of this franchise have and maintain an office for the transaction of business of the company at some place in Honolulu convenient of access to the public, and a majority of the board of directors of said company and other persons having the charge, management, and control thereof shall be residents of the Territory of Hawaii.

“SEC. 19. The entire plant, operation, books, and accounts of said Standard Telephone Company shall at any time be open and subject to the inspection of the treasurer of the Territory of Hawaii or any person appointed by him for the purpose.

“SEC. 20. FORFEITURE OF FRANCHISE.—Whenever said company refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the superintendent of public works or other proper authority to comply therewith, the governor and attorney-general shall cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act, and all rights and privileges granted hereunder, forfeited and declared null and void.

“SEC. 21. FRANCHISE NOT EXCLUSIVE.—It is hereby expressly provided that nothing herein contained shall be so construed as to grant to the company the exclusive right to install or operate a telephone system or systems.

“SEC. 22. This act shall take effect from and after its approval by the Congress of the United States of America.

“Approved this twenty-sixth day of April, anno Domini nineteen hundred and five.

“G. R. CARTER,

“Governor of the Territory of Hawaii.”

SEC. 2. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal said Act.

Approved, June 20, 1906.

## [PUBLIC—No. 331.]

AN ACT To amend the Act to provide a government for the Territory of Hawaii, approved April thirtieth, nineteen hundred.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section eighty-five of an Act entitled "An Act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, shall be amended to read as follows:

"SEC. 85. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature. Such Delegate shall possess the qualifications necessary for membership of the senate of the legislature of Hawaii.

"Such election shall be held on the first Tuesday after the first Monday in November of every even year and at such places as shall be designated by the secretary of the Territory. The ballot for Delegate shall be such as the legislature of Hawaii may designate, and until provision is made by the Territorial legislature the ballot shall be of pink paper and shall be of the same general form as those used for the election of representatives to the legislature.

"The method of certifying the names of candidates for place on this ballot and all the conduct of the election of a Delegate shall be in conformity to the general election laws of the Territory of Hawaii.

"The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly.

"Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting. In case of a vacancy occurring in the office of Delegate, the governor of the Territory is directed to call a special election to fill such vacancy: *Provided, however,* That no vacancy shall be filled which occurs within five months of the expiration of a Congressional term.

"The legislature of the Territory of Hawaii shall have the right to alter or amend any part of the election laws of said Territory, including those providing for an election of Delegate to Congress, and its action shall be the law, with full, binding force, until altered, amended, or repealed by Congress."

Approved, June 28, 1906.



## PORTO RICO.

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[PUBLIC—No. 44.]

AN ACT Appropriating, for the benefit and government of Porto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of two million and ninety-five thousand four hundred and fifty-five dollars and eighty-eight cents, being the amount of customs revenue received on importations by the United States from Porto Rico since the evacuation of Porto Rico by the Spanish forces on the eighteenth of October, eighteen hundred and ninety-eight, to the first of January, nineteen hundred, together with any further customs revenue collected on importations from Porto Rico since the first of January, nineteen hundred, or that shall hereafter be collected under existing law, shall be placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Porto Rico, and for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law; and the revenues herein referred to, already collected and to be collected under existing law, are hereby appropriated for the purposes herein specified, out of any moneys in the Treasury not otherwise appropriated.

Approved, March 24, 1900.

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[PUBLIC RESOLUTION—No. 23.]

JOINT RESOLUTION To provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the Act approved April twelfth, nineteen hundred, entitled, "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That until the officer to fill any office provided for by the Act of April twelfth, nineteen hundred, entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said Act; and no officer of the Army shall lose his commission by reason thereof: *Provided,* That nothing herein contained shall be held to extend the time for the appointment and qualification of any such officers beyond the first day of August, nineteen hundred.

SEC. 2. That all railroad, street railway, telegraph and telephone franchises, privileges or concessions granted under section thirty-two of said Act shall be approved by the President of the United States, and no such franchise, privilege, or concession shall be operative until it shall have been so approved.

SEC. 3. That all franchises, privileges or concessions granted under section thirty-two of said Act shall provide that the same shall be subject to amendment, alteration, or repeal; shall forbid the issue of stock or bonds, except in exchange for actual cash, or property at a fair valuation, equal in amount to the par value of the stock or bonds issued; shall forbid the declaring of stock or bond dividends; and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof and for the purchase or taking by the public authorities of their property at a fair and reasonable valuation. No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation hereafter authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

Approved, May 1, 1900.

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[PUBLIC—No. 133.]

AN ACT To facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the Territory of Hawaii and the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of the Act of June fifth, eighteen hundred and ninety-four, entitled "An Act to facilitate the entry of steamships," are hereby extended to steamships engaged in trading between ports of Porto Rico and the Territory of Hawaii and those of the United States.

Approved, May 31, 1900.

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[PUBLIC—No. 169.]

AN ACT To provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized to designate one or more banks



or bankers in the Philippine Islands and in the islands of Cuba and Porto Rico in which public moneys may be deposited: *Provided*, That the banks or bankers thus designated shall give satisfactory security for the safe-keeping and prompt payment of the public moneys so deposited by depositing in the Treasury, United States bonds to an amount not less than the aggregate sum at any time on deposit with such banks or bankers: *And provided further*, That this Act shall apply to Cuba only while occupied by the United States.

Approved, June 6, 1900.

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[PUBLIC RESOLUTION—No. 32.]

JOINT RESOLUTION To authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) be, and the said institution is hereby, authorized and empowered to amend article one of its by-laws, which said by-laws are referred to in, and published with, the royal (Spanish) decree dated May fifth, anno Domini eighteen hundred and eighty-eight, granting a concession to said bank, so as to change its name to that of Bank of Porto Rico (Banco de Puerto Rico) and to substitute for its capital in pesos the equivalent in money of the United States at the ratio established by law, and to amend article thirty-one of said by-laws, so that to be a councilor of said bank it may not be necessary to be a Spaniard, and further to modify and amend said by-laws, but always in accordance with existing law, and subject to the approval of the governor of Porto Rico: *Provided*, That nothing herein contained shall be held to enlarge or to permit the enlargement, in any manner or to any extent, of any of the rights, powers, or privileges granted to said Banco Español de Puerto Rico (Spanish Bank of Porto Rico) by the Government of Spain: *And provided further*, That nothing herein contained shall be held in any wise to limit or curtail any power which the Government or the Congress of the United States possesses in respect of said bank, its powers, privileges, or franchises.

Approved, June 6, 1900.

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**REGIMENT OF NATIVE PORTO RICANS AUTHORIZED.**

Contained in An Act to increase the efficiency of the permanent military establishment of the United States, approved February 2, 1901.

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SEC. 37. That the President is authorized to organize and maintain one provisional regiment of not exceeding three battalions of infantry, for service in Porto Rico, the enlisted strength thereof to be composed of natives of that island as far as practicable. The regiment shall be organized as to numbers as authorized for infantry regiments of the Regular Army. The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army.

The field officers shall be selected from officers of the next lower grades in the Regular Army and shall, while so serving in the higher grade, have the rank, pay, and allowances thereof. The company and regimental and battalion staff officers shall be appointed by the President. The President may, in his discretion, continue with their own consent the volunteer officers and enlisted men of the Porto Rico regiment, whose terms of service expire by law July first, nineteen hundred and one. Enlistments for the Porto Rico regiment shall be made for periods of three years, unless sooner discharged. The regiment shall be continued in service until further directed by Congress.

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[PUBLIC—No. 127.]

AN ACT To amend an Act entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April twelfth, nineteen hundred, and to increase the salary of the commissioner of education provided for by said Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the salary of the commissioner of education for Porto Rico shall, from and after the first day of April, nineteen hundred and one, be four thousand dollars per annum, and in addition to the duties provided by section thirty-six of the Act of April twelfth, nineteen hundred, the executive council shall, from time to time, determine the salaries of all officials and assistants, appointed by the United States district court, including the clerk and the interpreter, which shall be paid out of the revenues of Porto Rico as other salaries and expenses of like character are paid under the provisions of said Act.

SEC. 2. That such fees and expenses as are payable by the United States, if earned or incurred in connection with a circuit or district court of the United States, shall be paid from the revenues of Porto Rico, if earned or incurred in connection with the district court of the United States for Porto Rico. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States, if collected and paid into a circuit or district court of the United States, shall become revenues of Porto Rico, if collected and paid into the district court of the United States for Porto Rico. The commissioners appointed, as provided in section thirty-four of said Act approved April twelfth, nineteen hundred, shall be entitled to the fees provided for United States commissioners: *Provided*, That payments of fees and expenses, heretofore made in good faith by the United States district marshal, either from funds advanced to him by the United States or by Porto Rico, may be allowed by the accounting officers of the United States or the accounting officers of Porto Rico, as the case may be, in the settlement of his accounts.

SEC. 3. That the jurisdiction of the district court of the United States for Porto Rico in civil cases shall, in addition to that conferred by the Act of April twelfth, nineteen hundred, extend to and embrace controversies where the parties, or either of them, are citizens of the United States, or citizens or subjects of a foreign State or States, wherein the matter in dispute exceeds, exclusive of interest or costs, the sum or value of one thousand dollars.



SEC. 4. That jurors and witnesses in the United States district court of Porto Rico shall be entitled to and receive fifteen cents for each mile necessarily traveled over any stage line or by private conveyance and ten cents for each mile over any railway in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court and triable at the same term thereof.

Approved, March 2, 1901.

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[PUBLIC—No. 55.]

AN ACT For the acknowledgment of deeds and other instruments in the Philippine Islands and Porto Rico affecting land situate in the District of Columbia or any Territory of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That deeds and other instrument affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the Philippine Islands and Porto Rico before any notary public appointed therein by proper authority or any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary in the Philippine Islands or in Porto Rico, as the case may be, shall be accompanied by the certificate of the attorney-general of Porto Rico or the governor or attorney-general of the Philippine Islands to the effect that the notary taking said acknowledgment was in fact the officer he purported to be.

Approved, March 22, 1902.

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[PUBLIC—No. 89.]

AN ACT To refund the amount of duties paid in Porto Rico upon articles imported from the several States from April eleventh, eighteen hundred and ninety-nine, to May first, nineteen hundred, to confer jurisdiction on the Court of Claims to render judgment thereon, and making an appropriation therefor.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That jurisdiction be, and is hereby, conferred upon the Court of Claims of the United States of all claims against the United States arising out of the payment of customs duties to the military authorities in the island of Porto Rico upon articles imported from the several States, which articles were entered at the several ports of entry in Porto Rico from and including April eleventh, eighteen hundred and ninety-nine, to May first, nineteen hundred, and the Court of Claims is empowered and directed to ascertain the amounts of such duties paid during said period and to enter judgment against the United States for the several amounts so paid, with interest thereon at the rate of six per centum per annum from the several dates of payment of such duties to the dates of such judgments, respectively, in all actions for the recovery of such duties now pending

in the Court of Claims and in all actions for the recovery of such duties which may be brought in said court within six months from the date of the passage of this Act.

SEC. 2. That the Secretary of the Treasury, upon the certification of such judgments, or any of them, from which the United States does not take an appeal, is authorized to pay the same.

Approved, April 29, 1902.

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[PUBLIC—No. 249.]

AN ACT Authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he is hereby, authorized to make, within one year after the approval of this Act, such reservation of public lands and buildings belonging to the United States in the island of Porto Rico, for military, naval, light-house, marine-hospital, post-offices, custom-houses, United States courts, and other public purposes, as he may deem necessary, and all the public lands and buildings, not including harbor areas and navigable streams and bodies of water and the submerged lands underlying the same, owned by the United States in said island and not so reserved be, and the same are hereby, granted to the government of Porto Rico, to be held or disposed of for the use and benefit of the people of said island: *Provided*, That said grant is upon the express condition that the government of Porto Rico, by proper authority, release to the United States any interest or claim it may have in or upon the lands or buildings reserved by the President under the provisions of this Act: *And provided further*, That nothing herein contained shall be so construed as to affect any legal or equitable rights acquired by the government of Porto Rico or by any other party, under any contract, lease, or license made by the United States authorities prior to the first day of May, nineteen hundred.

SEC. 2. That the sum of two thousand dollars is hereby appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, to be expended by the clerk of the district court of the United States for Porto Rico, under the supervision and subject to the approval of the presiding judge of said court, in the purchase of a law library for the use of said court.

SEC. 3. That the resident commissioner from Porto Rico to the United States, provided for by section thirty-nine of the Act of April twelfth, nineteen hundred, entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall be entitled, in addition to his salary as now fixed by law, to his actual expenses in traveling to and from Porto Rico once annually, and his term of office shall commence on the fourth day of March next succeeding the date of his election; and the term of office of the present incumbent is hereby extended to the third day of March, nineteen hundred and three.

Approved, July 1, 1902.



**CITIZENS OF PORTO RICO MAY ENLIST IN REGULAR ARMY.**

Contained in An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1904, and for other purposes, approved March 2, 1903.

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Citizens of Porto Rico shall be eligible for enlistment in the Regular Army and the Porto Rico Regiment may be ordered for service outside of the island of Porto Rico: *Provided*, That all volunteer officers now in the Porto Rico Provisional Regiment shall be mustered out on June thirtieth, nineteen hundred and four, and their places be filled by detail from the line of the Army: *Provided further*, That any vacancy now existing or which may occur between now and June thirtieth, nineteen hundred and four, shall be filled by detail from the line of the Army.

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**CADET TO MILITARY ACADEMY AUTHORIZED TO BE APPOINTED FROM PORTO RICO.**

Contained in An Act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes, approved March 3, 1903.

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That in addition to the Corps of Cadets now authorized by law, there shall be one from Porto Rico, who shall be a native of said island, to be appointed by the President of the United States.

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**MIDSHIPMAN TO NAVAL ACADEMY AUTHORIZED TO BE APPOINTED FROM PORTO RICO.**

Contained in An Act making appropriations for the Naval service for the fiscal year ending June 30, 1904, and for other purposes, approved March 3, 1903.

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That hereafter there shall be at the Naval Academy one midshipman from Porto Rico, who shall be a native of said island, and whose appointment shall be made by the President on the recommendation of the governor of Porto Rico.

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[PUBLIC—No. 166.]

AN ACT To refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April eleventh, eighteen hundred and ninety-nine, and May first, nineteen hundred, and also on merchandise brought into the United States from the Philippine Islands between April eleventh, eighteen hundred and ninety-nine, and March eighth, nineteen hundred and two, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That authority be, and the same is hereby, given the Secretary of the Treasury to refund and repay from the appropriation "To repay to importers the excess of

deposits for unascertained duties, or duties or other moneys paid under protest," made by section thirty-six hundred and eighty-nine of the Revised Statutes, moneys paid to the United States without protest as duties and as fines on merchandise brought into the United States from Porto Rico between April eleventh, eighteen hundred and ninety-nine, when the ratifications of the treaty of peace of December tenth, eighteen hundred and ninety-eight, with Spain were exchanged, and May first, nineteen hundred, when the Act entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April twelfth, nineteen hundred, went into effect, and also on merchandise brought into the United States from the Philippine Islands between April eleventh, eighteen hundred and ninety-nine, and March eighth, nineteen hundred and two, the date of the passage of "An Act temporarily to provide revenue for the Philippine Islands, and for other purposes:" *Provided*, That such claims shall be presented under such rules and regulations as the Secretary of the Treasury shall prescribe, and within one year from the date of the passage of this Act.

Approved, March 3, 1903.

#### PROVISIONAL REGIMENT FOR PORTO RICO.

Contained in An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes, approved April 23, 1904.

\* \* \* \* \*

For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each, to include the enlisted men of the present regiment who may be in the service June thirtieth, nineteen hundred and four, and officers as herein provided. The field officers shall be detailed from the officers of the Regular Army of the same grade and shall receive the pay and emoluments of their grade. The present officers of the regiment below the grade of field officers who are mentally, morally, and physically qualified and have proved efficient in their respective positions may be reappointed by the President, by and with the advice and consent of the Senate (and such officers shall be entitled to preference in such appointments) for a provisional term of four years. Officers so reappointed shall be eligible for promotion in the regiment up to and including the rank of captain, upon examination as to their fitness for such promotion. Vacancies then existing or thereafter occurring in the grade of second lieutenant may be filled by the President, in his discretion, by and with the advice and consent of the Senate, by the appointment of citizens of Porto Rico for the provisional term of four years, whose qualifications for commissions shall be established by such examination as the President may prescribe, who shall also be eligible for promotion in the regiment up to and including the rank of captain, upon an examination as to their fitness. Vacancies not filled as hereinbefore provided by the reappointment or promotion of the present officers or by the appointment or promotion of citizens of Porto Rico, shall be filled by detail from the line of the infantry of the Army of the same grade with the vacancy to be filled. Men hereafter enlisted in the regiment shall be citizens of Porto Rico and shall be enlisted for a term of two years; and except in the case of noncommissioned officers shall not be



reenlisted in time of peace. The names of all enlisted men who have served honorably in the regiment shall be kept at the headquarters of the regiment, and these men shall be regarded as a reserve, to be specially considered in time of war. The pay and allowances of officers and enlisted men of the regiment shall be the same as authorized for like grades in the Regular Army.

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[PUBLIC—No. 180.]

AN ACT To extend the time within such actions for the recovery of duties paid in Porto Rico may be brought in the Court of Claims under the Act of April twenty-ninth, nineteen hundred and two.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time within which actions may be brought in the Court of Claims for the recovery of customs duties paid to the military authorities in the island of Porto Rico upon articles imported from the several States and entered at the several ports of entry in Porto Rico from and including April eleventh, eighteen hundred and ninety-nine, to May first, nineteen hundred, under the Act of April twenty-ninth, nineteen hundred and two, chapter six hundred and forty of the laws of the Fifty-seventh Congress, first session, be, and it is hereby, extended until six months from the date of the passage of this Act.

Approved, March 3, 1905.

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[PUBLIC—No. 221.]

AN ACT To empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, empowered, subject to the restrictions and under the conditions hereinafter mentioned, to authorize the construction, extension, and maintenance of any wharf, pier, dolphin, boom, weir, breakwater, sea wall, bulkhead, jetty, or other structure on any of the lands belonging to the United States which underlie the harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto and the filling in and dredging of such lands.

SEC. 2. That the word "person" as used in this Act shall be construed to import either the singular or the plural, as the case demands, and shall include individuals, municipalities, quasi-municipal corporations, corporations, companies, and associations.

SEC. 3. That the powers granted in the foregoing sections shall be subject, however, to the following restrictions:

(a) No authorization to any person to construct, extend, or maintain any such structure shall continue for a longer period than the period set forth in such authorization, and shall provide that the Government of the United States or with the approval of the Secretary of War the government of Porto Rico shall have the right at any

time after the expiration of thirty years from the date of such authorization, and after three months' notice, to take any such structure from the owner thereof upon paying the value of the same at the time it shall be so taken, and the amount paid shall not exceed the original cost of the same as may be fixed under paragraph (f) hereof. In case the Government of the United States or the government of Porto Rico, exercising the right of purchase as aforesaid should claim that the value of the structure when seized and taken is less than its original cost, the extent of deterioration or diminution from the original value shall be determined by a board or commission of four members, two of whom shall be appointed by the Secretary of War for the Government of the United States or by the Governor of Porto Rico for the government of Porto Rico as the case may be and two by the owner of such structure. If the four members thus chosen and appointed shall not be able to agree, they shall choose by mutual agreement a referee, whose decision shall be final, but in no case shall the amount to be paid exceed the original cost as fixed under the provisions of said paragraph (f). If the four members thus chosen and appointed are unable by mutual agreement to select a referee, then the Chief of Engineers of the United States Army shall be the referee, and his decision shall be final.

All authorizations granted by the Secretary of War for any such construction, extension, or maintenance

(b) Shall be subject to alteration, amendment, or repeal by Congress;

(c) Shall provide that the wharfage fees and charges for vessels, for passengers, and for goods loaded or discharged on, from, at, or over any such structure, and for approach and entry to any such structure, shall be no greater than are just, reasonable, and fairly remunerative, and for that purpose shall at all times be subject to regulation and revision by the said Secretary of War; that such fees and charges shall be the same for all persons, and all persons shall have equal right to approach, enter, and use the said structure, subject to such reasonable rules and regulations as the grantee thereof may establish, all of which rules and regulations shall be subject to revision by the Secretary of War;

(d) That all necessary dredging in or in connection with the said structure, or the use thereof, shall be made by the grantee of the authorization;

(e) That such authorization shall be null and void unless actual construction shall be commenced within one year from the date of such authorization by the Secretary of War, and completed within three years from the date of such authorization, or within such lesser periods as may be therein fixed: *Provided*, That the Secretary of War may for due cause shown extend the time for the completion of such construction for a reasonable period.

(f) That duly verified accounts of expenditure for the construction, extension, or improvement of such structure shall be exhibited to, and filed with, the United States army engineer at the city of San Juan, Porto Rico, who shall report to the Secretary of War the entire cost of such structure, extension, or improvement to be built under such authorization.

(g) That the said structure shall not be sublet, sold, transferred, or assigned, nor shall the authorization therefor be granted, sold, trans-



ferred, or assigned without the consent of the Secretary of War, nor in any case to a person engaged, directly or indirectly, in the same line of business, in the same harbor area, navigable stream, or body of water, and that any grant, subletting, sale, transfer, or assignment in violation hereof shall be null and void;

(h) That any and all vessels owned or chartered by the United States Government shall in case of any emergency, or in time of war, have prior right, free of charge, to the use of any such structure; and

(i) Shall contain such further restrictions as the Secretary of War may see fit to impose therein.

SEC. 4. That no such authorization by the Secretary of War shall be granted to any person unless the applicant therefor shall first furnish to the Secretary of War satisfactory proof either that he (or it) is the owner or lessee of the approaches to the shore end of the proposed structure, with the right to use the same in connection therewith, or that he (or it) is the owner of a franchise granting the right to use said approaches in connection with such proposed structure. Every application to the Secretary of War for any such authorization shall be accompanied by plans and specifications for such structure, extension, or improvement, which said plans and specifications shall be submitted to, and approved by, the Chief of Engineers of the United States Army before the granting of any such authorization by the Secretary of War, and such plans and specifications shall not be deviated from in any such structure, extension, or improvement without the written consent, first obtained, of the said Chief of Engineers.

SEC. 5. That nothing herein contained shall be so construed as to affect legal or equitable rights, if any, existing at the date of the approval of this Act which were acquired by the government of Porto Rico or any other party under any contract, lease or license, for the construction, extension, improvement, or maintenance of any such structure, granted by the United States authorities prior to the approval of this Act.

Approved, June 11, 1906.

*That all expenses heretofore and hereafter incurred by the War Department for examinations, reports, inspections, superintendence, or any other action necessary in executing the provisions of the Act of Congress approved June eleventh, nineteen hundred and six, entitled "An Act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto," shall be payable from funds herein and hereafter appropriated for examinations, surveys, and contingencies of rivers and harbors, the allotments for such expenses to be made by the Chief of Engineers. (Contained in river and harbor law, Fifty-ninth Congress, second session, Statutes at Large, p. 1111.)*

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[PUBLIC—No. 294.]

AN ACT Defining the qualifications of jurors for service in the United States district court in Porto Rico.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the qualifications of*

jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the district court of the United States for Porto Rico, but that the qualifications required of jurors in said court shall be that each shall be of the age of twenty-one years and not over sixty-five years, a resident of Porto Rico for not less than one year, and having a sufficient knowledge of the English language to enable him to duly serve as a juror: *Provided*, That the exemption from jury duty allowed by the local law shall be respected by the court when insisted upon by veniremen: *And provided further*, That the juries for said court shall always be selected and drawn in accordance with the laws of Congress regulating the same in the United States courts.

Approved, June 25, 1906.

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[PUBLIC—No. 359.]

AN ACT To provide means for the sale of internal-revenue stamps in the island of Porto Rico.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all United States internal-revenue taxes now imposed by law on articles of Porto Rican manufacture coming into the United States for consumption or sale may hereafter be paid by affixing to such articles before shipment thereof a proper United States internal-revenue stamp denoting such payment, and for the purpose of carrying into effect the provisions of this Act the Secretary of the Treasury is authorized to grant to such collector of internal revenue as may be recommended by the Commissioner of Internal Revenue, and approved by the Secretary, an allowance for the salary and expenses of a deputy collector of internal revenue, to be stationed at San Juan, Porto Rico, and the appointment of this deputy to be approved by the Secretary.

The collector will place in the hands of such deputy all stamps necessary for the payment of the proper tax on articles produced in Porto Rico and shipped to the United States, and the said deputy, upon proper payment made for said stamps, shall issue them to manufacturers in Porto Rico. All such stamps so issued or transferred to said deputy collector shall be charged to the collector and be accounted for by him as in the case of other tax-paid stamps.

The deputy collector assigned to this duty shall perform such other work in connection with the inspection and stamping of such articles, and shall make such returns as the Commissioner of Internal Revenue may, by regulations approved by the Secretary of the Treasury, direct, and all provisions of existing law relative to the appointment, duties, and compensation of deputy collectors of internal revenue, including office rent and other necessary expenses, shall, so far as applicable, apply to the deputy collector of internal revenue assigned to duty under the provisions of this Act.

SEC. 2. That before entering upon the duties of his office such deputy collector shall execute a bond, payable to the collector of internal revenue appointing him, in such amount and with such sureties as he may determine.

Approved, June 29, 1906.



## [PUBLIC—No. 262.]

AN ACT To readjust the boundaries of the naval reservations in Porto Rico established in pursuance of the Act of July first, nineteen hundred and two.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he is hereby, authorized and empowered by proclamation giving specific description thereof by metes and bounds or otherwise, to cede, transfer, and convey to the government of Porto Rico, to be held and disposed of for the use and benefit of the people of said island, such portions as are not needed for naval purposes of the tract of eighty acres of public land lying along the Caguas road, city of San Juan, Porto Rico, heretofore, by paragraph marked one of the Executive proclamation of June twenty-sixth, nineteen hundred and three, reserve for the use of the United States in pursuance of the provisions of the Act of July first, nineteen hundred and two: *Provided,* That before such cession shall be made the government of Porto Rico shall, by proper authority, cede, convey, release, and transfer to the United States the following tracts of land, together with all buildings and improvements thereon: That tract or parcel of land containing about eleven acres, extending east from the new wireless station, between the north line of the survey heretofore made by the Navy Department and the south line of the military reservation, to the tract of four and fifty-nine hundredths acres belonging to and reserved by the insular government for jail or penitentiary purposes; also, that triangular tract or parcel of land containing seven-tenths of an acre, lying to the northward of the western portion of the present naval hospital reservation, extending to the army reservation line, also, all public lands of Porto Rico south of the scarp wall on the Barrio de la Puntilla.

Approved, March 4, 1907, 11 a. m.

## GUAM AND TUTUILA.

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[PUBLIC—No. 334.]

AN ACT For the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: *Provided,* That the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the first day of January, nineteen hundred and five, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

Approved, June 28, 1906.



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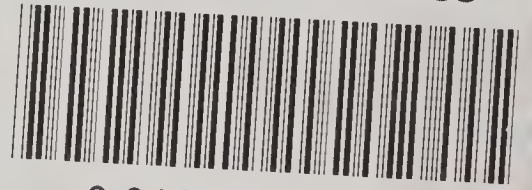








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